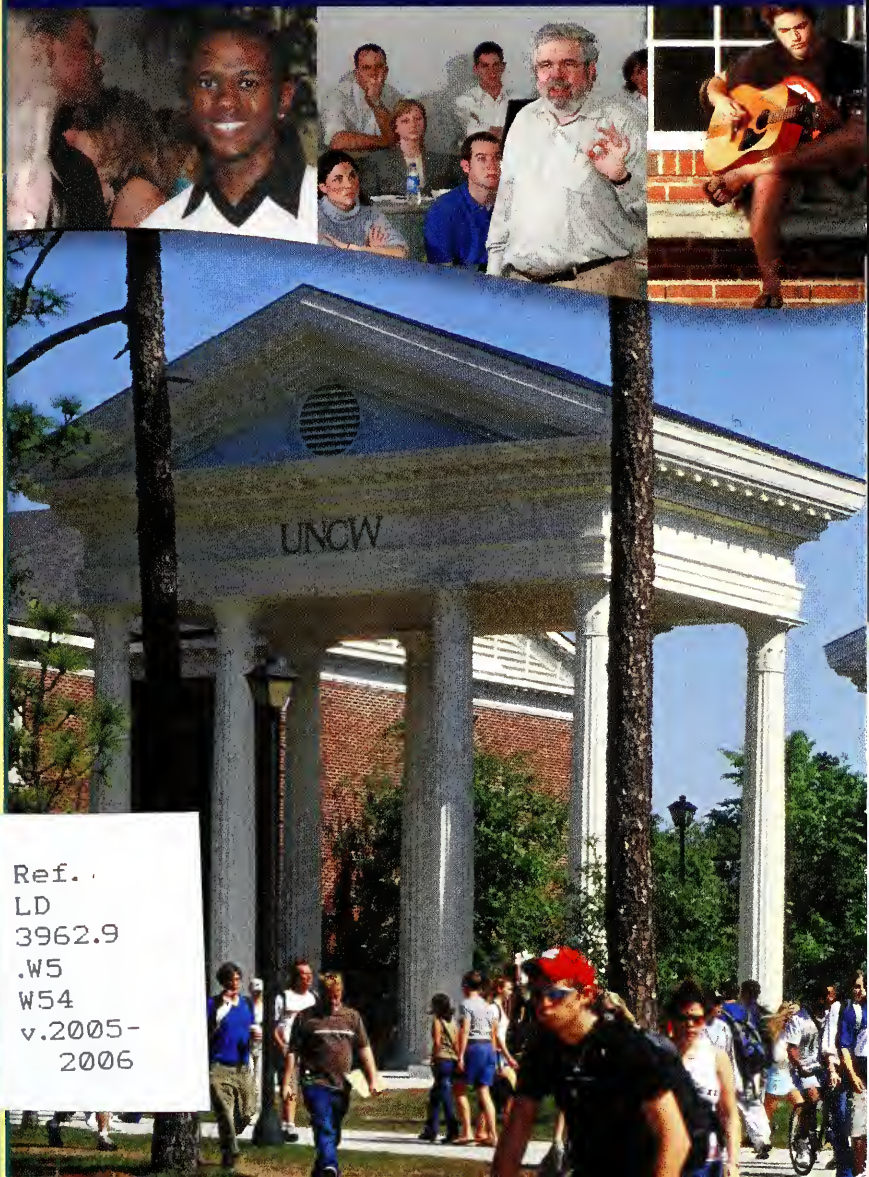
University of North Carolina Wilmington

2005-2006
UNCW
Code of Student Life

Division of Student Affairs • Office of the Dean of Students • *"Creating Experiences for Life"*



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CORNERSTONE

I am an engaged learner in constant search of knowledge.

I foster human dignity through acts of civility and respect.

I maintain a distinguished character based on truth, honesty and integrity.

I pursue inner-peace by recognizing the significance of spirituality.

I demonstrate honorable citizenship through acts of civic engagement.

I embrace community by active involvement and service.

I lead a lifestyle that advances physical health and emotional well-being.

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All policies, procedures, regulations, etc., in effect when this document went to press are subject to revision by the appropriate authorities at the University of North Carolina Wilmington.

Please visit the web site for the University of North Carolina Wilmington for information about all university services at http://www.uncw.edu

Dear Students,

On behalf of the Division of Student Affairs, I want to wish you much success in the coming academic year. There are many opportunities and challenges ahead that through our collaborative efforts we can enhance the university experience.

Your presence on this campus is our most important asset. Each member of this community brings with them a wealth of talent and unique qualities that make the University of North Carolina Wilmington the most dynamic community in the UNC system. Our goal is to help each of you to realize your potential.

Please make use of all the programs and services available throughout the university community. Being involved in campus life at UNCW is an expectation. It creates opportunities for you to grow and learn important lessons for life. Find the time to develop meaningful relationships with peers, faculty and staff. Seek the opportunity to initiate conversations about issues that impact our quality of life.

I look forward to your participation in the university community. If you ever have any questions, concerns or just need some advice, please do not hesitate to come by and let us help.

Sincerely,

Patricia L. Leonard

Patricia L. Leonard
Vice Chancellor for Student Affairs

University of North Carolina Wilmington

The University of North Carolina Wilmington is a public comprehensive university dedicated to excellence in teaching, scholarship and artistic achievement, and service. Through the College of Arts and Sciences, the professional schools, and the graduate school, the university seeks to stimulate intellectual curiosity, imagination, rational thinking, and thoughtful expression in a broad range of disciplines and professional fields. Of prime importance is the university's commitment to undergraduate teaching. The humanities, the arts, the natural and mathematical sciences, and the behavioral and social sciences comprise the core of the undergraduate curriculum. Graduate programs at the master's level and a doctoral program in marine biology complement the undergraduate curriculum. The university considers scholarly practice, research, and creative activities essential for effective learning.

UNCW encourages public access to its educational programs and is committed to diversity, international perspectives, community and regional service, and the integration of technology throughout the university. It strives to create a safe and secure environment in which students, faculty and staff can develop interests, skills, and talents to the fullest extent. UNCW seeks to make optimum use of available resources and to celebrate, study, and protect the rich heritage, the quality of life, and the environment of the coastal region in which it is located.

University Statement of Academic Expectations for Students

In choosing UNCW, you have become part of our community of scholars. We recognize that the UNCW learning experience is challenging and requires hard work. It also requires a commitment to make time available to do that hard work. The university expects you to make academics your highest priority by dedicating your time and energy to training your mind and acquiring knowledge. Academic success in critical thinking and problem solving prepares you for the changes and challenges you will encounter in the future. Our faculty and academic support resources are readily available as partners in this effort, but the primary responsibility for learning is yours.

Statement on Diversity in the University Community

As an institution of higher learning, the University of North Carolina Wilmington represents a rich diversity of human beings among its faculty, staff, and students and is committed to maintaining a campus environment that values that diversity. The university aims to achieve, within all areas of the university community, a diverse student body, faculty and staff capable of providing for excellence in the education of its students and for the enrichment of the university community. The university defines diversity in the following ways: 1) The representation of populations shaped by historical circumstances and by cultural identities, or a combination of the two; 2) The representation of populations shaped by varying socio-economic circumstances.

For more information concerning ways in which our multicultural learning community may be nurtured and protected or complaint resolution procedures, contact the Chancellor's Human Relations Advisory Committee, the Office of Campus Diversity, the Office of the Dean of Students, the Office of Academic Affairs, or the Office of Human Resources.

Reaffirmation of Commitment To Equal Educational and Employment Opportunity

The University of North Carolina Wilmington is committed to and will provide equality of educational and employment opportunity for all persons regardless of race, sex (such as gender, marital status, and pregnancy), age, color, gender, national origin (including ethnicity), creed, religion, disability, sexual orientation, political affiliation, veteran status, or relationship to other university constituents – except where sex, age, or ability represent bona fide educational or occupational qualifications or where marital status is a statutorily established eligibility criterion for State funded employee benefit programs.

This affirmation is published in accordance with 41 CFR Part 60 and is implemented in accordance with Title VII & Title IX of the Civil Rights Act of 1964, as amended; Executive Order 11246; the Rehabilitation Act of 1973; the Vietnam Era Veterans' Readjustment Assistance Act of 1974; the Civil Rights Restoration Act of 1988; and NC General Statutes Chapters 116 & 126.

To ensure that equal educational and employment opportunity exists throughout the university, a results-oriented equal opportunity/affirmative action program has been implemented to overcome the effects of past discrimination and to eliminate any artificial barriers to educational or employment opportunities for all qualified individuals that may exist in any of our programs. The University of North Carolina Wilmington is committed to this program and is aware that with its implementation, positive benefits will be received from the greater utilization and development of previously under-utilized human resources.

This publication is available in alternative format upon request.

CODE OF STUDENT LIFE

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PREFACE

The *Code of Student Life* outlines the rights and responsibilities and expected levels of conduct of students in the university community. The purpose of the rules outlined is to prevent abuse of the rights of others and to maintain an atmosphere in the university community appropriate for an institution of higher education. Materials included will help student organizations and members of the university desiring to use university facilities gain a better understanding of responsibilities of various boards and committees and understand student rights and responsibilities. Sections in the *Code* cover academic concerns (grievances and standards) and student conduct and appeals.

The *Code of Student Life* will be published annually. Interpretations of sections within the *Code* may be requested by contacting the vice chancellor for student affairs.

Rules included in the *Code* are subject to amendment or revision. Any member of the university community may submit amendments or revisions to the vice chancellor for student affairs for consideration. The vice chancellor for student affairs may also ask the Student Affairs Committee, a standing advisory committee of the Faculty Senate, to make recommendations. The vice chancellor for student affairs will then make his/her recommendations to the chancellor for final consideration.

Students at the University of North Carolina Wilmington are subject to, and enjoy the protections of, the Constitution and laws of the United States and of North Carolina, as well as the *Code of the Board of Governors of the University of North Carolina* and relevant policies of the Board of Governors and of the Board of Trustees of the University of North Carolina Wilmington. This *Code of Student Life* is interpreted by reference to these sources of law. The following sections of the *Code of the Board of Governors* should be noted especially:

Section 600.
Freedom and Responsibility in the University Community.

(1) The University of North Carolina is dedicated to the transmission and advancement of knowledge and understanding. Academic freedom is essential to the achievement of these purposes. The university therefore supports and encourages freedom of inquiry for faculty members and students, to the end that they responsibly pursue these goals through teaching, learning, research, discussion and publication, free from internal or external restraints that would unreasonably restrict their academic endeavors.

(2) The university and each constituent institution shall protect faculty and students in their responsible exercise of the freedom to teach, to learn and otherwise to seek and speak the truth.

(3) Faculty and students of the University of North Carolina shall share in the responsibility for maintaining an environment in which academic freedom flourishes and in which the rights of each member of the academic community are respected.

Section 608.
Students' Rights and Responsibilities.

(1) The University of North Carolina affirms that the first goal of each constituent institution is to educate the students admitted to its programs. The freedom of students to learn is an integral and necessary part of the academic freedom to which the University and its constituent institutions are dedicated. Each constituent institution shall provide, within allotted functions and available resources, opportunity for its students to derive educational benefits through developing their intellectual capabilities, encouraging their increased wisdom and understanding, and enhancing their knowledge and experience applicable to the effective discharge of civic, professional, and social responsibilities. No constituent institution shall abridge either the freedom of students engaged in the responsible pursuit of knowledge or their right to fair and impartial evaluation of their academic performance.

(2) All students shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth and freedom of each member of the academic community are respected.

(3) In applying regulations in the area of student discipline, each constituent institution shall adhere to the requirements of due process as set forth in Section 502 D(3) of this *Code*.

Section 502 D(3).
Relation of the Chancellor to the Constituent Institutions.

Subject to any policies or regulations of the Board of Governors or of the board of trustees, it shall be the duty of the chancellor to exercise full authority in the regulations of student affairs and student conduct and discipline. In the discharge of this duty, delegation of such authority may be made by the chancellor to faculty committees and to administrative or other officers of the institution or to agencies of student government, in such manner and to such extent as may by the chancellor be deemed necessary and expedient. In the discharge of the chancellor's duty with respect to manners of student discipline, it shall be the duty of the chancellor to secure to every student the right to due process. Appeals from these disciplinary decisions are allowable only on the following grounds: 1) a violation of due process; or 2) a material deviation from Substantive and Procedural Standards adopted by the Board of Governors. Where the sanction is suspension or expulsion, an appeal may be made to the

board of trustees. No appeal to the president is permitted. When the sanction is expulsion, the final campus decision is appealable to the Board of Governors.

The UNCW Faculty and Student Senates have endorsed the *Joint Statement of Rights and Freedoms of Students* which is applicable to UNCW to the extent consistent with this *Code* and with the various sources of law identified above.

Students have the right to enjoy a university environment free of unlawful discrimination, including sexual harassment. In all institutional relationships, the university expects its employees and students to show discretion and civility and to treat each other with equality and dignity. Discriminatory behavior, including sexual harassment of students by any university employee—faculty or staff—is a violation of both state and federal law and university policy. (See University Policy D & E.)

SECTION I
ACADEMIC HONOR CODE

The University of North Carolina Wilmington is committed to the proposition that the pursuit of truth requires the presence of honesty among all involved. It is therefore this institution's stated policy that no form of dishonesty among its faculty or students will be tolerated. Although all members of the university community are encouraged to report occurrences of dishonesty, each individual is principally responsible for his or her own honesty. The following definitions and procedures are provided to help everyone realize the high value that is placed on academic integrity and the means that will be employed to insure its preservation.

I-1 ACADEMIC DISHONESTY OFFENSES

Violation of any of the following standards subjects any student to disciplinary action:

A. PLAGIARISM

Plagiarism means the appropriation, buying, receiving as a gift, or obtaining by any means another person's work and the unacknowledged submission or incorporation of it in one's own work. It is doubly unethical, since it deprives the true author of his/her rightful credit and then gives that credit to someone to whom it is not due. The following three examples of plagiarism are described by Harold C. Martin and Richard M. Ohmann in their book *The Logic and Rhetoric of Exposition* (1963):

1. *Word-for-Word copying.* Whenever someone else is directly quoted, honesty and courtesy require acknowledgment of the source. The quoted material should be placed in quotation marks and its exact location should be indicated, either in the text of the student's paper or in a footnote.
2. *The mosaic.* To intersperse a few words of one's own here and there while basically copying the work of another is obviously unethical, unless one clearly acknowledges that this is being done. Should there be a valid reason for doing so then quotation marks or a general footnote should be used to show what belongs to the source and what one's own contribution is.
3. *The paraphrase.* Once more the crucial point is acknowledgment. Sometimes one can paraphrase in order to simplify, abbreviate, or improve upon an original, but the reader deserves to know what is being presented to him and whose work it represents. Therefore, acknowledgment of the source is required within the text of the student's paper or by footnote.

B. BRIBERY

The offering, giving, receiving or soliciting of any consideration in order to obtain a grade or other treatment not otherwise earned by the student through his/her own academic performance.

C. CHEATING

1. Any conduct during a program, course, quiz or examination which involves the unauthorized use of written or oral information, or information obtained by any other means of communication.
2. The unauthorized buying, selling, trading or theft of any examination, quiz, term paper or project.
3. The unauthorized use of any electronic or mechanical device during any program, course, quiz, or examination or in connection with laboratory reports or other materials related to academic performance.
4. The unauthorized use of laboratory reports, term reports, theses, or written materials in whole or in part.
5. The unauthorized assistance or collaboration on any test, assignment, or project.
6. The unauthorized use by a student of another student's work or the falsification of any other student's work.
7. Participating in, or permitting any of the above activities as defined in C 1-6.

I-2 JURISDICTION

All students enrolled at the University of North Carolina Wilmington are subject to the Academic Honor Code.

I-3 RESPONSIBILITY OF UNIVERSITY COMMUNITY

A. GENERAL RESPONSIBILITY

It shall be the responsibility of every faculty member, student, administrator and staff member of the university community to uphold and maintain the academic standards and integrity of the University of North Carolina Wilmington. Any member of the university community who has reasonable grounds to believe that an infraction of the Academic Honor Code has occurred has an obligation to report the alleged violation.

B. STUDENT RESPONSIBILITY

Each student shall conform to the Academic Honor Code at all times. Students may report academic violations to their class instructor, department chair, or to the Dean of the college/school in which the course is taught.

C. RESPONSIBILITY OF INDIVIDUAL INSTRUCTORS

Each instructor is encouraged to make his/her classes aware of the Academic Honor Code during the first week of classes of each semester or summer session.

D. RESPONSIBILITY OF UNIVERSITY ADMINISTRATION

In consultation with the Faculty Senate, the Office of the Dean of Students will see that the Academic Honor Code and any amendments or changes approved by the Faculty Senate are published and promulgated annually. All new university faculty, administrative staff, personnel, and students should be advised of the Academic Honor Code upon becoming a member of the university community.

E. RESPONSIBILITY OF THE OFFICE OF THE DEAN OF STUDENTS

The Office of the Dean of Students shall receive and maintain comprehensive records of all matters relating to violations of the Academic Honor Code.

I-4 REPORTING AND ADJUDICATION PROCEDURES

A. A suspected infraction of the Academic Honor Code shall be reported to the instructor of the course in which it occurred. Such a report shall be made within five class days from the time of discovery unless extenuating circumstances prevent reporting.

B. A suspected infraction of the Academic Honor Code may be reported by:
   1. The student committing the infraction.
   2. Any member of the university community observing the alleged infraction.

C. Upon receiving a report of an alleged violation, the instructor in charge of the course or materials in question shall inform the student of the following options and procedures. (Faculty is encouraged to consult with the Office of the Dean of Students regarding appropriate procedures and protection of student rights.)
   1. If the student admits the infraction, the faculty member may:
      a. Propose a settlement by private resolution. The chairperson of the department in which the faculty member teaches may be consulted for assistance in reaching a settlement. If the penalty proposed by the instructor is acceptable to the student, the incident can be resolved by providing notification to the department chair and to the dean of the college/school in which the faculty member teaches, and to the Dean of Students for inclusion in the student's disciplinary records, or
      b. Refer the case to the Office of the Dean of Students (without assigning a grade). The dean/designee will proceed as outlined in Section II-2-D-3.

2. If the student does not admit the infraction, the faculty member may:
    a. Decide not to pursue the accusation(s) due to lack of evidence, whereupon, he/she shall inform the reporting party of this decision within five days, or
    b. Refer the case to the Dean of Students (without assigning a grade). The dean/designee will proceed as outlined in Section II-2-D-E).

D. Upon notification of the instructor's decision not to pursue the allegation due to a lack of evidence, the reporting party may file a written report with the Office of the Dean of Students within five days of receipt of the instructor's decision. The Office of the Dean of Students will proceed as outlined in Section II-2-D-E.

E. Section II, Student Conduct and Appeals, indicates that a student shall have a choice of an administrative (Dean of Students/designee) or CJB hearing. The Dean of Students reserves the right not to hear a case and to forward it directly to the CJB.

F. If a student chooses an administrative hearing, he/she may appeal the decision made by the dean/designee to the CJB (see Section II-2-H). If the student chooses a CJB hearing, his/her appeal of that decision would be made directly to the chancellor of the university as outlined in Section II-3-D.

G. If an undergraduate student charged with an Academic Honor Code violation chooses a regular hearing before the CJB (see Section II-3-A) or appeals an administrative decision of the Dean of Students/designee, two additional faculty members from a different UNCW college or school will sit on the CJB as voting members.

H. If a graduate student charged with an Academic Honor Code violation chooses a regular hearing before the CJB (see Section II-3-A) or appeals an administrative decision of the Dean of Students/designee, two additional faculty members, one from the current Graduate Student Association and one at-large member from the current list of graduate faculty will sit on the CJB as voting members.

I-5 EXPEDITED HEARING PROCEDURE

The chancellor at his or her sole discretion shall have the right to order an expedited review of the accused student's case. In such circumstances, the chancellor shall sit as a hearing officer in lieu of the CJB or the Dean of Students and the procedure outlined in Section II-3 shall be observed. This expedited hearing procedure shall be used only in emergency circumstances as shall be identified by the chancellor at his or her sole discretion. The decision of the chancellor in such expedited proceedings shall constitute a final decision of the student's responsibility or non-responsibility.

I-6 SUGGESTED PENALTIES FOR PROVEN OFFENSES

A. If the CJB or Office of the Dean of Students finds the student not responsible for the charge, the instructor will ensure fair treatment of the student.

B. If the charged student is found responsible for the charge, the CJB or Dean of Students/Assistant Dean of Students may impose a disciplinary sanction indicated in Section II-4 of the *Code of Student Life.* The authority to determine the course grade resides with the instructor. Failure in the course is generally appropriate for an offense of academic dishonesty.

SECTION II
STUDENT CONDUCT AND APPEALS

II-1 STUDENT STANDARDS OF CONDUCT

Students share in the responsibility for maintaining an environment in which the rights of each member of the academic community are respected. When asked to report to any university office, a student is expected to appear at the time specified or to arrange another appointment. The university judicial system is a cumulative process. Consequently, any student found responsible for a violation(s) of the *Code of Student Life*, may expect a more significant sanction in relation to the severity of the offense(s) and/or in relation to being found responsible on multiple occasions. All students and their guests shall be responsible for conducting themselves in a manner that helps to enhance an environment of learning in which the rights, dignity, worth and freedom of each member of the academic community are respected. (See Section 600(3) and 608(2) of the *Code of the Board of Governors,* quoted in full in the preface to this *Code*.)

In accordance with the Family Educational Rights & Privacy Act (FERPA), upon full participation in university orientation, an individual is considered a UNCW student in attendance and shall maintain that status unless an official university withdrawal is submitted. If a university or criminal charge is pending, the university reserves the right to proceed with judicial action against a student regardless if a student decides to officially withdraw from the university.

A. Off-Campus Relationship Statement

The mission of the University of North Carolina Wilmington is teaching, research and community service. Inherent in this mission is the responsibility of the university to educate its students to be responsible, civic minded citizens. As a university, we value our relationship with the surrounding community and

realize we have a tremendous social, cultural and economic impact on the greater Wilmington community.

Policy setting and enforcement (discipline) are ways of educating students. In fulfilling our responsibilities to "discipline" students, the university is guided by common law and constitutional law. By law our students are citizens subject to the rights as well as the responsibilities of community living.

If individual students are identified and cited by staff, faculty or other students for violating state and/or university policies on campus, they are subject to the formal judicial process of the university and/or appropriate legal action.

If individual students are identified and reported by community members for breaking the law, we support appropriate law enforcement officials taking necessary judicious action. If these students are reported to university officials, the university will intervene on an informal basis. "Informal" intervention will involve individual student(s) or student organization leader(s) being referred to the Dean of Students for discussion of the incident.

Off-campus behavior which may significantly impact on the mission of the university may be subject to formal university disciplinary action.

B. OFFENSES

Notwithstanding actions taken by civil authorities, or private litigants, the vice chancellor for student affairs or his/her designee may initiate disciplinary proceedings as outlined in Section II-2 and/or Section VI-8 against a student or group who violates or attempts to violate this *Code* or other applicable rules, including the following:

1. Damages, defaces, alters, destroys or misuses university property or property belonging to a member of the university community or a visitor to the campus.
2. Takes, purchases, or possesses university property or property of any other person without expressed permission or authority.
3. Illegally uses or possesses a drug or narcotic. Students are expected to abide by local ordinances, state laws and federal laws regarding the consumption or possession of drugs (see Section V & State Law I).
4. Sells or intends to manufacture drugs (see Section V & State Law I).
5. Illegally possesses and/or uses drug paraphernalia (see Section V & State Law I).
6. Possesses firearms on university property or at an event sponsored or supervised by the university or any recognized university organization (see State Law II).

7. Possesses weapons, other than firearms, on university property or at an event sponsored by the university or any recognized university organization (see State Law II).
8. Conducts himself/herself in a manner that significantly interferes with the teaching, learning or operations of the university.
9. Conducts himself/herself in a manner that significantly endangers the health or safety of members of the university or visitors on the campus.
10. Tampers with fire equipment, including fire alarms, on the UNCW campus as stated in North Carolina General Statute 14-286 (see State Law III).
11. Sets a fire in or on university property, including but not limited to property as stated in North Carolina Statute 14-60 (see State Law III).
12. Possesses or uses any explosive device, including but not limited to, firecrackers, cherry bombs, bottle rockets and dynamite.
13. Possesses or uses an alcoholic beverage in violation of state law and/or fails to abide by university policy on consumption and advertising of alcoholic beverages (see University Policy A & B).
14. Is visibly overcome by alcohol.
15. Engages in hazing. Hazing by university groups is prohibited on or off campus (see State Law IV). Hazing is defined as a covert or overt action, occurring on or off campus, by an individual or group of individuals in connection to recruitment, initiation, rite of passage, or membership in a fraternity, sorority, UNCW sport club, group, organization or athletic team; that subjects any other member of the university community, voluntarily or involuntarily to activity which creates an atmosphere for potential or actual humiliation, degradation, verbal, emotional or physical distress, abuse or injury; or compromises the academic mission and/or reputation of the University of North Carolina Wilmington.
16. Inflicts or threatens bodily harm upon another, or acts in a manner which creates a risk of bodily harm to another.
17. Harasses, abuses or threatens another by means other than the use or threatened use of physical force, including but not limited to, stalking, phone and e-mail communication (see State Law VII).
18. Forges, alters, destroys or misuses university documents and records. Violations include, but are not limited to, forgery of applications for financial aid, admission, course changes and course credit, or alterations of transcripts, parking decals or student identification cards.
19. Gains unauthorized entry to any university property and/or possesses unauthorized keys or access codes to university facilities. The duplication of a university key or sharing of university access codes is prohibited.

20. Gambles for money or other items of value; this includes playing of cards or other games of chance or skills for money or other items of value.
21. Lends, sells, manufactures, possesses or otherwise transfers a student identification card or any other official form of identification, including the use of a student I.D. and/or meal card if not its original holder (see State Law VI, VIII & IX).
22. Demonstrates and/or assembles in violation of North Carolina General Statutes.
23. Misuses university technology in violation of rules and regulations of the UNCW Institutional Technology Systems Division (see University Policy G).
24. Misuses university communication systems—including the use of university phones and dainlines, without consent of those responsible for their control.
25. Intentionally furnishes false information to a member of the faculty, staff or a student acting in an official capacity.
26. Engages in disorderly conduct including, but not limited to, verbally abusive or inappropriate behavior (see State Law V).
27. Fails to comply with orders or directives of university officials, university hearing bodies, university police or any other law enforcement officers acting in performance of their duties.
28. Discriminates against another student through behavior of a biased or prejudiced nature related to one's personal characteristics, such as race, color national origin, sex, religion, handicap, age or sexual orientation.
29. Sexually harasses any other student, male or female, by making repeated and unwelcome sex-related comments, sexual overtures, or physical behavior or by displaying offensive visual materials which interfere or are intended to interfere with another person's work or study (see University Policy D & E).
30. Conducts himself/herself in a manner which encourages or enables illegal activity and/or a violation of the *Code of Student Life* by failing to confront the behavior or by implicitly condoning the behavior by his/her presence during the activity.
31. Is in violation of any North Carolina and/or Federal criminal law.
32. Commits an act prohibited by North Carolina law, "Rape and other sex offenses" Article 7A of Chapter 14 of N.C. General Statutes (as currently in effect at time of alleged violation). [NCGS 14-27.1 through NCGS 14-27.10]. Sexual assault victims include members of the university community or university guests on institutional premises or premises of a group or organization officially recognized by the university (see University Policy F).

33. Is in violation of policies and procedures as stated in the UNCW Housing and Residence Life publication, *A Guide for On-Campus Living* (see Section IV-3)

C. IDENTIFICATION OF STUDENTS ON CAMPUS

1. In order to protect the safety and welfare of students and employees of the university and to protect the property of the university, all persons at events or on property under the jurisdiction of the university shall identify themselves to an appropriate institutional representative who has identified himself/herself. A person identifies himself/herself by giving his/her name and complete address and stating truthfully his/her relationship to the university to an appropriate university official. A person may be asked to present some form of identification.

2. If any person refuses or fails upon request to present evidence of his/her identification and it reasonably appears that the person has no legitimate reason to be on the campus or in the facility, the person may be ejected from the campus or facility.

D. FINANCIAL TRANSACTIONS WITH THE UNIVERSITY

1. The Financial Services Office (Business office) is responsible for matters relating to student financial transactions. Students who owe debts to the university may be denied enrollment or readmission and may have official transcripts withheld until the debt is paid. Students who write insufficient fund checks to the university for registration fees may have their registration cancelled. Checks written to the university for purposes other than obligations to the university that are returned for insufficient funds may be the basis for legal and/or disciplinary action against the student issuing the check.
2. Financial Aid and Veteran's Services reserves the right to revise or cancel student financial aid awards because of unauthorized changes in a recipient's enrollment status, inability to demonstrate satisfactory progress in his/her course of study, or failure to comply with written policies and procedures published by Financial Aid and Veteran's Services.

II-2 INITIATION OF DISCIPLINARY PROCEEDINGS AND ADMINISTRATIVE DISPOSITION

Under the direction of the chancellor, the vice chancellor for student affairs has primary responsibility and authority for the administration of student discipline. Further delegation of this authority may be made by the vice chancellor for student affairs to the Office of the Dean of Students and to residence hall staff

and/or other disciplinary bodies, such as Student Organizations Committee, Sport Club Council, Graduate Student Association, Panhellenic Council, National Pan-Hellenic Council, and Interfraternity Council.

A. DISCIPLINARY CORRESPONDENCE

All disciplinary correspondence will be sent to the student's UNCW e-mail address and campus post office box by certified mail, return receipt requested. The university reserves the right to use other reasonable means to notify students.

B. FILING COMPLAINTS

1. Any academic or administrative official, faculty or staff member or student may file a written complaint with the Office of the Dean of Students against any student for misconduct. The complaint must include factual information supporting the allegation. Anonymous charges will not be permitted.
2. While action on a complaint of violating a university regulation is pending, the status of the student shall not be altered except for reasons outlined in Section II-2-I.

C. PRESUMPTION OF INNOCENCE

Any student charged with an infraction under this *Code* shall be presumed not responsible until proven responsible by a preponderance of evidence.

D. PRELIMINARY INVESTIGATION

When the Dean of Students/designee receives information that a student has allegedly violated university regulations or local, state, or federal law, the dean/designee shall investigate the alleged violation. After completing a preliminary investigation, normally a determination of whether or not to pursue the charge will be made within 30 calendar days. Reasonable extensions of this time are permissible. The Dean/designee may:

1. Find no basis for the complaint and dismiss the allegation as unfounded, or
2. Summon the student for a conference (see Section II-2-G) and then either dismiss the allegation, or
3. Proceed administratively by informing the student of the following options for resolution of the disciplinary charges:
    a. Disagree to the charge(s) and have a regular hearing before Campus Judicial Board (CJB) where a determination of responsibility will be made. If the student is held responsible by CJB, an appropriate sanction will be determined.
    b. Disagree to the charge(s) and request an administrative hearing before the Dean of Students/designee where determination of responsibility will be made. The Dean/designee may elect not to hear the case. The case would then be heard by CJB. If the

student is held responsible by the administrative hearing officer, an appropriate sanction will be determined.

c. Agree to the charge(s) and elect for CJB to determine an appropriate sanction.

d. Agree to the charge(s) and elect for an administrative hearing before the Dean of Students/designee to determine an appropriate sanction. The dean/designee may elect not hear the case. The case would then be heard by CJB.

E. ADMINISTRATIVE HEARING PROCEDURE

1. If a student requests an administrative hearing before the Dean of Students/designee, the Dean of Students/designee is required to forward the student written notice of the time and place of the hearing to the accused at least five (5) class days prior to the hearing. The student may waive all or part of the five (5) class days written notice requirement. All waivers shall be executed in writing.
2. A student choosing an administrative hearing before the Dean of Students/designee has a right of appeal to CJB and then to the chancellor.
3. If a student chooses a hearing before CJB and is cited for additional violation(s) in the interim, the student then forfeits the right to a CJB hearing and an administrative hearing will be conducted on all charges.

F. RESPONSIBILITY OF DEAN OF STUDENTS/DESIGNEE TO ACCUSED STUDENT

If the student chooses an administrative hearing, the Dean of Students/designee shall provide him/her:

1. Written notice of the charge(s) and an outline of student rights. In the event that additional charges are brought, further written notice must be forwarded to the student. These notices are sent via e-mail and certified mail to the student's campus post office box (pursuant to Section II-2-A).
2. Review of all available information, documents, exhibits, and a list of witnesses that may testify against him/her. This is a continuing obligation of the complaining party and the Dean of Students/designee.
3. Choice between an Administrative or CJB hearing.
4. Choice to elect not to appear at the hearing, the hearing shall be conducted in the student's absence.
5. Assistance by an advisor from within the university. The advisor may not be an attorney unless there are also criminal charges pending. The advisor, upon request of the student, may:

a. Advise the student concerning the preparation and presentation of his/her case. The advisor may not speak for the student, except in exceptional circumstances at the discretion of the chair.
b. Accompany the student to all judicial proceedings.
c. Have access to all materials relating to the case.
d. In cases involving sexual offenses (under Section I-1, B-29, B-32), the alleged victim may have a support person(s) present during the hearing. The support person(s) may not participate in any way in the hearing.

6. Written notice of time and place of the hearing forwarded to the accused at least five (5) class days prior to the hearing. The formal hearing will not be held less than five (5) class days from the date of the original charge letter, unless the student charged waives this five (5) day time limit in writing.
7. Prior to a hearing in cases which may involve suspension the charged student is entitled to a written notice of the charge including possible sanctions, review of all available information, documents, exhibits, a list of witnesses that may testify against him/her and an outline of student rights. This notice will be sent via e-mail and certified mail (pursuant to Section II-2-A).
8. For all charged offenses which could result in expulsion, written notice will include the possible sanction, review of all available information, documents, exhibits, a list of witnesses that may testify against him/her and an outline of rights. This notice will specify that expulsion precludes matriculation at any UNC constituent institution and will be sent via e-mail and certified mail (pursuant to Section II-2-A).
9. A pre-hearing interview with the Dean of Students/designee where all rights, responsibilities and procedures are explained.
10. A final administrative decision will normally be determined immediately but must be determined within ten (10) class days after the date of the hearing. The final decision, containing a brief summary of the evidence, will be presented to the student in writing within five (5) class days of the decision.

G. SUMMONING A STUDENT FOR A CONFERENCE

1. Should a student not appear when requested by the Dean of Students/designee, the Dean of Students/designee may formally summon a student to appear for a conference in connection with an alleged violation by sending him/her a letter pursuant to Section II-2-A.

2. The letter shall direct the student to appear at a specified time and place not less than three (3) class days later. The letter shall also describe briefly the alleged violation.
3. If the charged student fails to respond to a charge letter and the required pre-hearing interview, the charged student forfeits the options in Section II-2-G & H, and will be notified by certified letter, sent five (5) class days before a hearing before the Dean of Students/designee or, at the option of the Dean of Students, the CJB. At this hearing, a decision of responsible or not responsible will be made based on available information, with or without the charged student. If the student fails to attend the hearing, all allegations against the student shall be deemed to be denied. When appropriate, a sanction will be determined and the student will be notified in writing (pursuant to Section II-2-A).

H. APPEAL OF ADMINISTRATIVE ACTION

The charged student may request an appeal to CJB within forty-eight (48) hours after notification of the original decision. Original sanctions (with the exception of summary suspension) are normally put into effect only after CJB makes a decision.

1. Procedure
   a. The function of CJB in hearing an appeal is that of reviewing the action of the administrative hearing officer to determine if:
      1. An alleged violation of the rights guaranteed the charged student has occurred;
      2. The sanction is too severe for the violation; or
      3. New evidence has developed which has bearing on the outcome.
   b. CJB shall receive the petition from a student choosing to appeal the decision of an administrative hearing. Such petition shall be submitted in writing to the chair of CJB through the Office of Dean of Students explaining in detail the reasons for the student's appeal and specifying the ways in which he/she believes the procedures or actions of the administrative hearing officer have violated the standards outlined in Section II-2.
   c. Upon receiving a petition, CJB shall obtain the record of the administrative hearing officer. Such record shall include relevant documents and a written statement by the hearing officer. Such statement in the case of administrative action shall summarize the case and the reasons supporting the disciplinary decision.
   d. With this information, CJB shall decide whether an appeal hearing is warranted. This decision is based on one or more of the three options for an appeal outlined in Part H-1-a above. It

shall notify the petitioner in writing of its decision within seven (7) days after receiving the student's petition.

e. If CJB determines that a hearing should be granted, that hearing shall be held within seven (7) days of such determination and notification shall be given in writing at least three (3) days prior to the date set for the hearing, specifying time and place of the hearing and informing the student of his/her rights as outlined in Section II-3-C. If a student chooses to waive the seven (7) day notice and other requirements as stated in this section, an immediate appeal hearing may be heard.

f. CJB shall invite the appellant, the concerned administrative hearing officer, and such other persons as it deems appropriate to appear before the Board to make statements and respond to questions. The student and administrative hearing officer may request the Board to invite persons to testify if there is new evidence. CJB follows regular hearing procedures in appeal cases, if it elects to hear new evidence.

g. No member of CJB shall be a party to any prior investigation or witness in the case nor should any member be placed in the position of developing or prosecuting the case.

h. After the hearing is concluded, CJB shall go into executive session to reach a decision.

i. CJB has the authority to approve, reject, or modify the decision in question consistent with this *Code*. The decision of CJB may be appealed to the chancellor as outlined in Section II-3-D. Prompt notice of the decision of CJB shall be given. Any appeal of this decision must be in writing and presented within forty-eight (48) hours after notification of the decision.

j. During times in which CJB is not in session, such as an examination or break period, all cases will be heard administratively with an appeal to the chancellor.

I. SUMMARY SUSPENSION

1. Summary suspension is an action requiring that a student immediately leave the campus and university property. It may be imposed upon a student by the vice chancellor for student affairs or designee when there is reasonable cause to believe, based on available facts, that the student is an immediate threat to the safety of him/herself, other members of the university community or university property, or is disruptive without relief to the university community.

2. Any student who is suspended on a summary basis and returns to the campus and university property during the suspension shall be subject to further disciplinary action and may be arrested for criminal trespass. Permission to be on campus for a specific purpose

(e.g., to take an exam, to consult with the Dean of Students or to participate in the disciplinary procedures against him/her) may be granted by the Dean of Students or his/her designee and requires 24 hour advance notice.

3. When a student is suspended on a summary basis, he or she is given notice containing the reasons for suspension, the duration and any conditions that apply, and a copy of the *Code of Student Life*. A student notified of such summary suspension may, within ten (10) class days of the written notice of suspension, request through the Dean of Students/designee a regular hearing before CJB to determine the responsibility or non-responsibility of the student charged and the appropriate sanction and whether the conditions of the summary suspension should continue. A regular hearing, where normal procedures apply, before CJB or the Committee on Problem Admissions & Extraordinary Disciplinary Emergencies, shall normally be conducted within five (5) class days of the student's request for a hearing.

II-3 CAMPUS JUDICIAL BOARD

A. CAMPUS JUDICIAL BOARD

1. When a student requests a regular hearing before CJB or when a case is referred automatically by the Dean of Students/designee, CJB becomes involved. CJB is a chancellor appointed board composed of eight members. The vice chancellor for student affairs or designee serves as the advisor to CJB. The members are:
   a. Six students recommended by the Student Government Association and appointed by the chancellor.
   b. Two faculty members recommended by the Faculty Senate chairperson and appointed by the chancellor.
2. The chairperson and vice-Chairperson of CJB shall be elected by the Board.
3. ***Quorum***—Quorum shall consist of four student members and one faculty member. During summer sessions a quorum shall consist of three students and one faculty member.
4. Selection
   a. Students recommended by Student Government Association for appointment to CJB are selected through a campus wide application process.
   b. CJB members will be appointed annually. Members serve a one-year term and may be reappointed annually by Student Government Association.
   c. Vacancies occurring during the course of the year will be filled by the vice chancellor for student affairs.
   d. Members of CJB become active members only after they have been trained by the Office of the Dean of Students.

5. Jurisdiction of CJB
    a. CJB has appellate power to review decisions of administrative hearing officers and of the Dean of Students/designee with authority to lessen but not increase the sanction imposed. CJB may refer a case to the original hearing officer for a rehearing.
    b. CJB may have, at the request of the student, original jurisdiction in disciplinary cases.
    c. CJB will serve as the original hearing body for cases involving student organizations, sport clubs and Greek organizations with additional designees from the appropriate advisory council (See Section VI-7 and Section VI-8).

B. PROCEDURAL STANDARDS FOR CJB CASES

1. All matters upon which the decision may be based must be introduced into evidence at the hearing before CJB. The decision shall be based solely upon such matters and must be supported by the evidence. Any student charged with an infraction under this *Code* shall be presumed not responsible until proven responsible by a preponderance of the evidence (See Section II-2-C).
2. All evidence will be admitted except that which is irrelevant or repetitious or which is obtained in violation of the search-and-entry provisions appearing in Section IV-H-1and H-2. CJB will be the sole judge of admissibility of evidence of this *Code.*
3. CJB records are maintained in the Office of the Dean of Students and are confidential and may be released only with the consent of the student involved. A written record of the proceedings and action taken will be filed with CJB.
4. No member of the hearing body who has a personal interest in the particular case may sit in judgment during the proceeding. If a member refuses to excuse him/herself due to a conflict of interest, the Dean of Students/designee will make the excusal decision. The accused student will also be given the opportunity to challenge a committee member or official on these grounds. The decision on the challenge will be made by CJB or Dean/designee within five (5) calendar days. In such cases in which a member cannot serve due to a conflict of interest, a temporary member may be appointed by the chancellor to serve for the duration of the hearing.

C. HEARINGS BEFORE CJB

1. Prior to a hearing, the charged student is entitled to:
    a. A written notice of the charge(s) and an outline of student rights. In the event that additional charges are brought, further written notice must be forwarded to the student. These notices are sent pursuant to Section II-2-A.

b. Review all available information, documents, exhibits and a list of witnesses that may testify against him/her. This is a continuing obligation of the complaining party and the Dean of Students/designee.
c. Choose between an administrative or CJB hearing.
d. Be assisted by an advisor from within the university community. The advisor may not be an attorney unless there are also criminal charges pending. The advisor upon request of the student may:
    1. Advise the student concerning the preparation and presentation of his/her case. The advisor may not speak for the student except in exceptional circumstances at the discretion of the chair.
    2. Accompany the student to all judicial proceedings.
    3. Have access to all materials relating to the case.
e. A written notice of time and place of the hearing forwarded to the accused at least five (5) class days prior to the hearing. The formal hearing will not be held less than five (5) class days from the date of the original charge letter, unless the student charged waives the limit in writing.
f. Prior to a hearing in cases which may involve suspension the charged student is entitled to a written notice of the charge including possible sanctions, review of all available information, documents, exhibits, a list of witnesses that may testify against him/her and an outline of rights. This notice will be sent via e-mail and certified mail (pursuant to Section II-2-A).
g. For all charged offenses which could result in expulsion, written notice will include the possible sanction, review of all available information, documents, exhibits, a list of witnesses that may testify against him/her and an outline of rights. This notice will specify that expulsion precludes matriculation at any UNC constituent institution and will be sent via e-mail and certified mail (pursuant to Section II-2-A).
h. In cases that may result in suspension or expulsion, the formal hearing date will be scheduled no less than ten (10) calendar days after the student receives notice of the referral, unless the student waives the limit and agrees to an earlier hearing date. Waivers are voluntary and must be in writing and signed by the student and the Dean or designee. Reasonable extensions of time for either party to prepare for the hearing will be allowed.
i. A pre-hearing interview with the Dean of Students/designee where all these rights, responsibilities and procedures are explained.

2. ***Duties of the CJB***—in those cases in which the charged student disputes the facts upon which the charges are based, such charges shall be heard and determined by CJB. CJB will:
    a. Determine that the Dean of Students/designee has satisfactorily performed the requirements of Section II-3-C-3.
    b. Rule on the admissibility of evidence, motions and objections to procedures; render a written decision as to the charged student's responsibility for the charges; set forth finding of facts, determine the sanction, if any; and provide the Dean and student with the copy of the decision.
3. ***Duties of the Dean of Students***—The Dean of Students/designee shall:
    a. Consult CJB in setting the date, time and place for the hearing.
    b. Assist CJB in summoning witnesses and preparing evidence that is requested by CJB.
    c. Notify the student by letter of the date, time and place for the hearing. The Dean or designee shall send the letter pursuant to Section II-2-A. If the student charged is a minor (under 18 years of age), a copy of the letter may be sent to his/her parent or guardian. The letter shall specify a hearing date not less than five (5) class days after the official notice is mailed pursuant to Section II-2-A.
    d. In cases that may result in suspension or expulsion, the formal hearing date will be scheduled no less than ten (10) calendar days after the student receives notice of the referral.
    e. A student may request in writing that an earlier date be set, if feasible. Reasonable extensions of time for either party to prepare for the hearing will be allowed. CJB, for good cause, may postpone the hearing and notify all interested persons of the new hearing date, time and place.
    f. A letter mailed under Part C-3 shall:
        1. Direct the accused to appear at a date, time and place specified.
        2. Advise the accused of his/her rights:
            a. To appear in person, hear all testimony, and present any relevant information on his/her behalf, call witnesses, ask questions of any person present at the hearing.
            b. To elect not to appear at the hearing. The hearing then shall be conducted in the accused's absence.
            c. To be assisted by an advisor from within the university. The advisor may not be an attorney unless there are also criminal charges pending.
            d. To refuse to answer any questions or make a statement, however, the hearing authority then shall make its

decision solely on the basis of information introduced at the hearing.

e. To be responsible only upon a finding that is based on the information introduced at the hearing.
f. To know the identity of witnesses who will testify against the accused.
g. To question each witness who will testify against the accused for the purpose of clarification.
h. To have all statements, information or comments given during the hearing held in strictest confidence by members of the Board before, during and after deliberation. Only those faculty and staff with an educational need to know will be informed of the outcome. The chairperson will exercise control over the hearing to avoid needless consumption of time, to avoid repetition of information and to prevent the harassment or intimidation of participants.
i. To have hearings conducted in an informal manner where technical rules of evidence will not be applied. The taking of statements of witnesses may be done by discussion, though each witness shall be subject to cross-examination. Witnesses (with the exception of the accused) shall be present during the hearing only during the time they are testifying. While written statements are admissible, no one shall be found responsible who has not had the opportunity to testify, to present evidence and witnesses, and to hear and question adverse witnesses.
j. To have a summary of the hearing record.
k. To appeal as outlined in Section II-3-D.

3. Contain the name of the person appointed to act as chairperson of CJB.
4. Contain the names of witnesses who will testify against the student and a description of evidence and charges that will be offered against him/her.
5. Contain a copy of the referral/complaint.
6. Notify the accused student that the Dean/designee may question a student testifying in the charged student's behalf or question the charged student if he/she testifies in his/her own behalf.

4. If a student fails, without good cause, to comply with the letter sent under this section, CJB may proceed with the hearing in the student's absence, as has been outlined.
5. ***Hearing Procedure*** -- CJB shall proceed generally as follows during the hearing:

a. CJB states the hearing is closed to the public.
b. The chairperson of CJB reads the referral/complaint and informs the accused of his/her rights as listed in Section II-3-C, and asks the student whether he/she agrees or disagrees to the charge(s) before CJB.
c. The Dean/designee presents the university's case.
d. The accused presents his/her case.
e. Witnesses for university and accused present testimony.
f. The Dean/designee and the accused student present rebuttal evidence and final statements.
g. CJB deliberates and decides the issue of responsible or not responsible.
h. If CJB finds the accused responsible, the Dean/ designee and accused may present evidence and argument on an appropriate sanction.
i. CJB deliberates and determines an appropriate sanction.
j. CJB renders a written decision as to whether they find the accused student responsible or not responsible for the charge(s). The decision states the sanction, if any, and procedures for appeal. The charged student and Dean of Students/designee shall each be given a copy of the decision. A final Board decision will normally be determined immediately but must be determined within ten (10) class days after the date of the hearing. The final decision, containing a brief summary of the evidence, will be presented to the student in writing within five (5) class days.

6. ***Hearing Record***—the hearing record is confidential and consists of:
   a. A copy of the notice forwarded to the student.
   b. A written summary of the hearing together with all documentary and other evidence offered or admitted in evidence.
   c. Written motions, pleas and any other material considered by CJB.
   d. The decision of CJB.

D. APPEAL OF A CAMPUS JUDICIAL BOARD DECISION

The charged student may request an appeal to the chancellor within forty-eight (48) hours after notification of the decision. Original sanctions (with the exception of summary suspension) are normally put into effect only after the chancellor makes a decision.

1. ***Procedure***
   a. The function of the chancellor in hearing an appeal is that of reviewing the action of CJB to determine if:
      (1) An alleged violation of the rights guaranteed the charged student has occurred;

(2) The sanction is too severe for the violation;
(3) New evidence has developed which has bearing on the verdict.

b. The chancellor shall receive the petition from a student choosing to appeal the decision of CJB. Such petition shall be submitted in writing to the chancellor through the vice chancellor for student affairs explaining in detail the reasons for the student's appeal and specifying the ways in which he/she believes the procedures or actions of CJB have violated the standards outlined in Section II-3.

c. Upon receiving a petition, the chancellor shall obtain the record of CJB. The record shall include relevant documents, the Decision of Hearing including a case summary and rationale for supporting the decision.

d. With this information, the chancellor, or in his/her absence the vice chancellor for student affairs, shall decide whether an appeal hearing is warranted. This decision is based on the three options for an appeal outlined in Part D-1-a above. He/she shall notify the petitioner in writing of his/her decision within seven (7) days after receiving the student's petition.

e. If the chancellor, or in his/her absence the vice chancellor for student affairs, determines that a hearing shall be granted, that hearing shall be held within seven (7) days of such determination and notification shall be given in writing at least three (3) days prior to the date set for the hearing, specifying time and place of the hearing and informing the accused student of his/her rights as outlined in Section II-3-C.

f. The chancellor shall invite the appellant and other persons as he/she deems appropriate to appear before him/her to make statements and respond to questions. The student may request the chancellor to invite persons to testify if there is new evidence.

g. The chancellor has the authority to approve, reject, or modify the decision in question. His/her decision may be appealed to the Board of Trustees only in cases of suspension or expulsion from the university. Any appeal of the decision must be in writing and presented within forty-eight (48) hours after notification of the decision. Such petition shall be submitted in writing through the vice chancellor for student affairs explaining in detail the reason(s) for the student's appeal (see Part D-1-a above).

II-4 AUTHORIZED DISCIPLINARY SANCTIONS

A. LEVELS OF UNIVERSITY DISCIPLINARY SANCTIONS

1. ***Oral Reprimand*** -- An oral statement of disapproval, with a formal notation.

2. ***Written Reprimand*** -- A written reprimand involves a status of warning through the end of the next full semester, which terminates automatically when the imposed period expires.

3. ***Disciplinary Probation*** -- Disciplinary probation involves a status of probation for up to one calendar year, which terminates automatically when the imposed period expires. A student who is placed on disciplinary probation is considered not to be in good standing with the university.

   As part of disciplinary probation, the student may have restrictions placed on specific student privileges, as determined by the hearing body or administrative hearing officer, not to exceed the duration of the probationary period. In the event of a further violation of this *Code* or other applicable rules while on disciplinary probation, the university will seek the penalty of suspension.

4. ***Suspension**** – Suspension involves withdrawal of enrollment privileges and cancellation of registration, at a minimum, through the end of the next full semester, and carries with it conditions which must be met for re-enrollment.

   Re-enrollment after a suspension period requires that the student apply to the Dean of Students at the close of the imposed period and the dean will determine whether the student has met the conditions imposed and is otherwise eligible for re-enrollment. A denial may be appealed to the Committee on Problem Admissions & Extraordinary Disciplinary Emergencies.

   During the term of suspension, the student may not come onto campus. Failure to abide by this condition may result in arrest for criminal trespassing.

   A student, who is suspended after the deadline for withdrawal with a "W", shall be assigned a grade of "WF" or "W" by each instructor based upon the academic performance prior to the suspension.

5. ***Expulsion****—Expulsion is the permanent dismissal of a student from the university. Expulsion precludes matriculation at any UNC constituent institution, unless and until the chancellor who imposed

or approved the sanction of his/her successor concludes on the basis of the former student's petition and any supportive documentation that the individual should be given a new opportunity to pursue higher education within the UNC system. The student will be trespassed from university property for as long as the individual is considered a risk to others or to university property. Expulsion will result in a permanent transcript notation.

* The sanction of suspension may be imposed by the Dean or CJB and Committee on Problem Admissions and Extraordinary Disciplinary Procedures. Other hearing officers and judicial bodies may recommend to the Dean the sanction of suspension. The chancellor or vice chancellor for student affairs may impose the sanction of expulsion.

B. RESTITUTION

CJB or the hearing officer, as part of the disciplinary process, may impose specific conditions (e.g., requirement of student to reimburse for damage to or destruction or misappropriation of university property or property of any person, and restitution in the form of appropriate service to be performed). Reimbursement may take the form of appropriate service for repair or otherwise compensate for damages. As part of the conditions established by CJB or administrative hearing officer, a student may be denied access to a residence life area or evicted from university housing.

C. PARENTAL NOTIFICATION

Parents or guardians of every freshman student placed on disciplinary probation will be notified through written correspondence by the Office of the Dean of Students. The purpose of the notification is to encourage parents to discuss the situation with the student; define the terms and conditions of disciplinary probation; and encourage parents to work with the university in addressing student behavior in their transition through the freshman year.

D. MONETARY FEES

As a part of the disciplinary process, a student can be assessed a $35 fee for a first offense and $50 for a second offense for use or possession of alcoholic beverages if under the age of 21. A $50 fee may also be assessed for possession of a Schedule III-VI drug. This money will be used to fund substance abuse education programs. In addition, a student can be referred to CROSSROADS: Substance Abuse Prevention and Education Program and/or for a substance abuse assessment at the Counseling Center or at an off campus agency if the hearing body finds alcohol or other drugs to be a contributing factor in the student's case.

E. PENDING CRIMINAL CHARGES

If the accused student is also the subject of pending criminal charges, an attorney will be allowed to serve as advisor to the student. An attorney will be allowed to participate under the same parameters as a university advisor as articulated in Section II-2-F-5.

F. STUDENTS WITH DISABILITIES

When a student with a documented disability is charged with an offense, the university will assure that all requirements of Section 504 of the Rehabilitation Act and the Americans with Disabilities Act are met.

G. CAMPUS SECURITY ACT – SEXUAL ASSAULT

Pursuant to the Campus Security Act, in cases of alleged sexual assault, the accuser and the accused are entitled to have the same opportunities to have an advisor present during a disciplinary proceeding (pursuant to Section II-2-D-5-e).

II-5 DISCIPLINARY RECORDS

A. A hearing record, notice of appeal and each petition for review are confidential and may not be disclosed in whole or part except as provided in Section III-4. This disciplinary record shall be separate from the student's academic record but shall be considered a part of the student's educational record and are maintained in the Office of the Dean of Students.

B. Pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), victims of crimes of violence must be notified of the results of the disciplinary proceeding of the alleged assailant. "Results" means the name of the student assailant, the violation charged or committed, the essential findings supporting the conclusion that the violation was committed, the sanction if any is imposed, the duration of the sanction and the date the sanction was imposed.

C. A student who is suspended or expelled will have a "hold flag" placed on their registration file by the Dean of Students/designee. This flag will be removed when the term of suspension expires and/or conditions for re-enrollment have been met.

D. A notation of suspension or expulsion will be placed on the transcript as an administrative withdrawal.

E. Records for cases not resulting in suspension or expulsion will be destroyed one year after graduation.

II-6 COMMITTEE ON PROBLEM ADMISSIONS & EXTRAORDINARY DISCIPLINARY EMERGENCIES

Notwithstanding any other provisions of the *UNCW Code of Student Life*, and in fulfillment of the obligation of the university and of the chancellor to maintain

campus security and to protect the safety and welfare of students, employees and visitors to the university, the Committee on Problem Admissions & Extraordinary Disciplinary Emergencies is established in accordance with the provisions of Sections 116-11(2) and 116-34(a) of the North Carolina General Statutes, Sections 502D(3), 600, 608(2), and Appendix Sections XII and XV of the *Code of the Board of Governors of the University of North Carolina*, Section XIII-A-1 of the *Administrative Manual of the University of North Carolina*, including the Board of Governor's *Policies and Administrative Memoranda*, and Section I-5 of the *UNCW Code of Student Life*.

A. JURISDICTION OF THE COMMITTEE

The Committee on Problem Admissions & Extraordinary Disciplinary Emergencies is established under the delegation of the chancellor pursuant to his/her responsibility for student affairs. The Committee is established to investigate, and make recommendations to the chancellor concerning the disposition of complex cases or of those cases involving students, student organizations, or applicants whose behavior, on or off campus, prior or subsequent to admission or readmission, is such that their presence at the university, in the judgment of the Committee, upon referral from the vice chancellor for student affairs or the chancellor, may pose either:

1. A serious risk of disruption of the academic environment; or
2. A serious risk of interference with the rights of other members of the university community; or
3. A serious risk or continuing danger to university property; or
4. A serious risk or continuing danger to themselves or to other members of the university community.

B. OFFENSES

An example of student or applicant behavior that may come within the jurisdiction of the Committee includes, but is not limited to:

1. Applicants for admission or readmission to the university who have been convicted of a crime involving assault or felonious behavior, who have a record of violent behavior, or who have a record of academic dishonesty or disciplinary rule violations elsewhere;
2. Students or applicants for admission or readmission who have been arrested and charged with a serious crime of a violent nature, or of a dangerous nature, or which involved placing another person in fear of imminent injury or danger;
3. Students subject to summary suspension under Section II-2-I of the *UNCW Code of Student Life*; and
4. Students or student organizations charged with serious violations of Section II-1-B (1-14) (17) (23) (25-26) (28-29) (32) of the *UNCW Code of Student Life*.

C. COMMITTEE MEMBERSHIP AND EMERGENCY PROCEDURES

The Committee shall be composed of the vice chancellors and the director of student development services or their designees, and the student co-chair of Campus Judicial Board or a Campus Judicial Board student appointee. A quorum of the Committee shall consist of any four members of the Committee or their designees. In each case, the Committee shall designate a chair to preside over the Committee. In the event of a tie vote, the administrative action of the university is ratified.

In an emergency situation, pursuant to Section II-6-A & B or Section II-2-I of the *UNCW Code of Student Life*, the vice chancellor for student affairs or designee shall have the power to invoke summary suspension. After a hearing, as set forth below, the Committee may either ratify the vice chancellor's action or reverse it or take any other appropriate action. In such emergency situations the vice chancellor for student affairs shall inform the chancellor of all actions taken either summarily or by the Committee under the authority of this policy. The chancellor has the authority to approve, reject, or modify the action of the vice chancellor for student affairs or the Committee at any stage of the proceedings.

D. COMMITTEE ACTION IN SPECIFIED SITUATIONS

1. Dangerous or Disruptive Student Behavior

   If, in the judgment of the vice chancellor for student affairs, the facts of any case are complex or indicate that the student's presence in the university poses a serious risk or continuing danger to self or to other members of the university community, ***or*** poses a serious risk or to university property, ***or*** poses a serious risk or continuing danger of disruption of the academic environment ***or*** poses a serious risk of interference with the rights of other members of the university community, ***and*** the immediacy of the danger or threat is so great that emergency action should be taken, the vice chancellor for student affairs shall withdraw the case from the jurisdiction of the Campus Judicial Board and refer the case to the Committee. A student summarily suspended under this section shall have the right to a subsequent hearing as set forth below. Upon completion of a hearing, the Committee may reinstate the student, continue the student's suspension or expel the student. If the Committee expels the student, the suspension shall continue pending the chancellor's decision upon the student's appeal to the chancellor or upon the chancellor's decision to review the expulsion decision.

2. Students Charged with a Crime

   In the case of a student who has been arrested and charged with a serious crime of a violent or dangerous nature or one which involved placing a person in fear of imminent injury or danger, the

vice chancellor for student affairs shall review the facts and may withdraw the matter from the jurisdiction of Campus Judicial Board and refer the case to the Committee. In those cases submitted to the Committee pursuant to this subsection II-6-D-2, the Committee may consider whether the nature of the crime is such that, if the student were guilty, the student's presence in the university would represent one of the factors set forth above in II-6-A. If the Committee's determination is that, if the student were guilty of the crime with which he/she is charged, the student's presence at the university would pose a continuing danger or serious risk as set forth above; the Committee shall then suspend the student from the university.

In evaluating the student's behavior to determine whether it poses a serious risk or continuing danger, the Committee shall act in light of the standards set forth in the authorities cited in Section II-6-A&B and in the preamble to Section II-6, above.

No action under this Subsection II-6-D-2, relating to criminal charges, shall involve, or be construed as, an adjudication of the student's guilt or innocence of the crime charged; nor shall it be considered as evidence of the student's responsibility or non-responsibility in any subsequent Committee or Campus Judicial Board proceeding arising out of the same fact situation.

A student who is summarily suspended from the university under this subsection shall have the right to a subsequent hearing before the Committee. A request for a hearing must be submitted in writing to the vice chancellor for student affairs within ten (10) days of the invocation of summary suspension. If criminal charges arising out of the same fact situation are pending against the student at the time the hearing is to be held, the student may choose to go ahead with the institutional proceeding or may request that they be held in abeyance until the criminal case has been resolved. In either situation, pending the outcome of the hearing, the student's suspension shall remain in effect. If the student chooses to delay institutional proceedings until after resolution of the criminal case, institutional proceedings will be resumed immediately after resolution of the criminal case. If the hearing pursuant to this subsection II-D-2 is held before the criminal case against the student has been resolved, an expulsion may not be imposed at that time.

3. Applicants for Admission

Cases involving applicants for admission who fall under Section II-6-B-1&2 above will be referred by the Office of Admissions to the Division of Student Affairs. The Office of Admissions shall take no action on such applications for admission unless they have been

cleared by either the vice chancellor for student affairs/designee or by the Committee in any of these situations. In the event that an applicant has been notified of the university's approval of the applicant's academic admission prior to discovery of the questionable behavior or prior to this referral to the vice chancellor for student affairs/designee and prior to its referral by the vice chancellor for student affairs/designee to the Committee, the admittee or candidate for admission will be promptly notified by the vice chancellor for student affairs/designee that the behavioral question is under review by the Committee, will be given a copy of the policies and procedures consequent to that review, and will be informed that admission to the university is conditional upon the decision of the Committee. In the event that admission is denied by the Committee to an applicant whose academic admission has not been approved or who has not yet been notified of such approval, the student will be given a copy of this Section and referred to this Committee only if the student chooses to appeal the denial of admission to the university.

In the event of referral by the Office of Admissions and vice chancellor for student affairs, the Committee shall determine whether the applicant's previous behavior potentially poses a serious risk or continuing danger to self, to members of the university community, to university property, or to the proper functioning of the academic process in accordance with this policy. In making this determination, the Committee may obtain or request the records pertaining to the behavior which show the actual disposition of the cases (for example, court documents, in the case of a criminal conviction, or a statement from the student's previous school, in a case involving academic dishonesty or violation of a disciplinary rule) and, in cases involving a criminal conviction, may endeavor to communicate with the prosecuting attorney, and/or the applicant's parole officer or probation officer, if applicable. Withholding or denying access to information requested, or giving false information, may result in denial of enrollment.

In the case of an applicant charged with a serious crime of a violent and dangerous nature, or one which involved placing a person in fear of imminent physical injury or danger the Committee shall consider whether the nature of the crime is such that, if the applicant were guilty, the student's presence in the university would constitute one of the factors set forth above in Section II-6-A. If the Committee's determination is that, if the applicant were guilty of the crime with which he/she is charged, his/her presence in the university would pose a continuing danger or serious risk as set

forth above, then the committee shall indefinitely deny admission of the applicant to the university. If the chancellor disagrees, or if the Committee decides otherwise and the chancellor agrees with such decision, then the jurisdiction of the Office of Admissions shall immediately reattach.

An appellant applicant or an applicant previously offered admission shall be given the opportunity to provide a written statement to the Committee setting forth the reasons that the applicant does not constitute a risk or danger to the university community and why or how the applicant should be admitted to the university assuming appropriate academic eligibility. The Committee may also choose to interview the applicant to ascertain, among other things, whether the student has an understanding of the past offense, the ability to learn from the experience and a desire to obtain an education in order to fulfill future goals.

The Committee's sole role in the admissions process is to determine whether the applicant's behavioral history should bar the student from consideration for admission to the university. Evaluation of the applicant's academic and other qualifications is the responsibility of the Office of Admissions. No action under this subsection shall involve, or be construed as, an adjudication of the student's guilt or innocence of any crime charged; nor shall it be considered as evidence of the student's responsibility or non-responsibility in any subsequent Campus Judicial Board proceeding arising out of the same fact situation.

E. HEARING PROCEDURE

Any student who has been suspended or expelled may not participate in any university activities or responsibilities may not attend classes and may not come onto the campus except to attend a scheduled meeting or hearing on the case. If the student comes onto the campus for a hearing/meeting, he/she must immediately leave the campus at the end of the meeting. Persons who schedule a meeting with such a student shall notify the Dean of Students, in advance, of the time and place of the meeting. Any student who is suspended or expelled and returns to the campus and university property during the suspension or subsequent to the expulsion, without the express permission of the Dean of Students or the vice chancellor for student affairs or designee, shall be subject to further disciplinary action and may be arrested for criminal trespass.

Summary suspension shall not be considered evidence of the student's responsibility or non-responsibility in any hearing of the Committee nor in any subsequent Campus Judicial Board proceeding. Prior to any

hearing before the Committee, the student will be informed by letter of the vice chancellor for student affairs' summary action, or intent to bring a charge before the Committee. The student shall also be notified of the date and place scheduled for the hearing on the case. The hearing shall be set no sooner than seven (7) days from the date of the letter, and the letter shall be mailed to the student at the last known address, according to university records. The notice shall explain the charges against the student; the character of the evidence against the student; and the student's rights under this document; the right of due process and fair hearing; the presumption of innocence until found responsible; the right to be assisted by an advisor (see Section II-2-F-5); and the right to testify; to present evidence and witnesses; and to hear and question adverse witnesses who appear before the Committee. An advisor may not conduct the student's defense, nor address the Committee, except at the sole discretion of the Committee.

The Committee's decision will be based on the evidence presented to it. In cases brought under Section II-6-B and Section II-6-D-1&3, the Committee shall generally follow the procedure outlined in Section II-3-B, Section II-3-C-1and Section II-3-C-4-6 of the *UNCW Code of Student Life*. In all cases, the rules of evidence shall not be strictly followed by the Committee, hearsay shall be admissible and any credible source, documentary or testimonial shall be competent to establish the truth or falsity of the charges.

Before a post-hearing action of suspension or expulsion may be imposed on a student pursuant to charges under Section II-6-B and Section II-6-D-1&3, the Committee must find by a preponderance of evidence that the student committed the offense in question. Before a post-hearing sanction may be imposed on a student under Section II-6-D-2 above, the Committee must find by a preponderance of the evidence that the student has, in fact, been charged with the crime in question, that the charge does not appear to be frivolous, and that, if the student committed the crime with which he/she is charged, his/her presence on the campus would pose a serious risk or continuing danger as set forth above.

Before an applicant may be excluded under Section II-6-D-3 above, the Committee must find by a preponderance of the evidence that the applicant has, in fact, been convicted and/or disciplined by the relevant authorities set forth above or, in the case of an applicant charged with a crime, that the applicant has, in fact, been charged with the crime in question, that the charge does not appear to be frivolous, and that, if the applicant committed the crime with which he/she is charged, his/her presence on the campus would pose serious risk or continuing danger as set forth above.

Recordings, or transcripts of the hearing, but not of the committee's deliberations, shall be kept. The vice chancellor for student affairs or designee shall be responsible for all records of Committee proceedings. Following the hearing, the student, the applicant previously offered admission, or the appealing applicant shall be notified of the Committee's decision by a letter sent to the student at the address the student has supplied the Committee at the hearing, or if no address has been supplied at the hearing, then to the last known address, according to university records.

In accordance with the provisions of the federal Family Educational Rights and Privacy Act of 1974, as amended, the Committee may also disclose the results of the hearing to the alleged victim of the student's actions if:

1. The alleged actions involved the use, attempted use, or threatened use of physical force against the person or property of another; or
2. The alleged actions constituted a felony that, by its nature, involves a substantial risk that physical force may be used against the person or property of another.

F. APPEALS AND POST HEARING PROCEDURES

Subject only to the chancellor's authority to approve, reject, or modify the decision of the Committee, such decision shall become effective immediately upon its issuance. Reasonable steps, of the same sort as set forth above in regards to notification of the student or applicant of the hearing shall be used to notify the student or applicant, as promptly as possible, of the Committee's decision and recommendation. A student or applicant may appeal the decision of the Committee to the chancellor within ten (10) days of its issuance. The appeal shall be in writing and shall set forth with particularity the grounds for appeal, the basis of the objection to the Committee's findings and the requested relief sought.

Upon receipt of an appeal from student or applicant, or in the chancellor's own discretion, the chancellor shall consider the decision a recommendation and shall decide whether to accept, modify, or reject it. In the case of an appeal, or at the chancellor's request, the record of the proceedings before the Committee shall be prepared by the chairperson of the committee, or designee, and shall be forwarded to the chancellor. The record shall include the recordings, or transcripts taken during the proceedings and a copy of all documents and other writings introduced in evidence at the hearing. It shall not include any record of the Committee's deliberations.

An applicant's sole appeal is to the chancellor. A student may appeal the chancellor's decision to the Board of Trustees in cases of suspension or expulsion. In either case, such appeal is final. Solely in cases proceeding under subsection II-6-D-2&3 where a student's suspension is continued, but before any criminal charges can be finally resolved, the Division of Student Affairs shall cause the student to be formally withdrawn from school, and the student shall receive a full refund of any tuition and fees he/she has paid for the term in question minus the non-refundable enrollment deposit and any charges against his/her account (such as library fines, unpaid parking tickets, returned check charges, damages).

Whether the hearing is held before or after resolution of the criminal case, if the student is reinstated after the hearing but, due to the length of time which has passed before the hearing could be held, the student has missed so much class work that it will be impossible for the student to complete course work before the end of the term, the student may choose either to take a grade of "incomplete" in those courses and complete them in the normal period of time allowed for completion of "incomplete" under university regulations or may choose to withdraw from the semester in question and receive a full refund of any tuition and fees he/she has paid for the term in question minus the non-refundable enrollment deposit and any charges against his/her account (such as library fines, unpaid parking tickets, returned check charges, damages).

An applicant or former student, who has been declared ineligible for admission or suspended by the Committee, who wishes to restore eligibility for admission or to return to the university, must formally petition the committee for re-eligibility or reinstatement no sooner than one full semester after the Committee's decision, in the absence of extraordinary circumstances. Such extraordinary circumstances may include, but are not limited to, a verdict of not guilty of the criminal charges forming the basis for the Committee's decision of ineligibility or suspension. In considering any such petition for eligibility or reinstatement, the Committee may request a personal interview with the applicant or former student or any other information or reference which may help in determining a final decision.

Applicants and former students who petition the Committee for eligibility or reinstatement must also subsequently apply for readmission. The university reserves the right to require the applicant for admission or readmission to compete for admission with other applicants in that year. (May 12, 1997)

SECTION III
STUDENT RECORDS & FAMILY EDUCATIONAL RIGHTS AND PRIVACY ACT (FERPA)

III-1 PURPOSE

The Family Educational Rights and Privacy Act of 1974 (FERPA, also known as the "Buckley Amendment"), guarantees certain rights for students and eligible parents regarding access to, confidentiality of, and correction of the student's education records.

FERPA provides that a student may inspect his or her education records. If the student finds the records to be inaccurate, misleading, or otherwise in violation of the student's privacy rights, the student may request amendment to the record. FERPA also provides that a student's personally identifiable information may not be released to someone else unless (1) the student has given a proper consent for disclosure or (2) provisions of FERPA or federal regulations issued pursuant to FERPA permit the information to be released without the student's consent.

III-2 DISCLOSURE OF DIRECTORY INFORMATION

A. The university may release the following directory information to the public without the student's consent: name; class; college and major; dates of attendance; degree(s) earned; honors and awards received, including selection to the dean's or chancellor's list, honorary organization, or the GPA range for the selection; address; telephone number; most recent previous educational institution attended; date and place of birth; participation in officially recognized activities and sports; and the weight and height of members of athletic teams.

B. Under FERPA, the student has the right to request that the disclosure of directory information be withheld. If a student wishes to have the student's directory information withheld, they must complete a "Request to Prevent Disclosure of Directory Information" form in the Office of the Registrar. To be omitted from the university's printed Telephone Directory, the student should decline to submit the "University Telephone Directory" form.

III-3 DISCLOSURE OF PERSONALLY IDENTIFIABLE INFORMATION

A. The university may release personally identifiable information from student education records without the student's consent to school officials who have a legitimate educational interest to access the records.

B. "Education records" mean records that are maintained by UNCW in any media (e.g. paper, electronic, digital image, film, video, audio tape) which

contain information directly related to a student and are personally identifiable to a student. Education records do not include:

1. Personal records of university employees that are in the sole possession of the maker (i.e. notes of conversations), are used only as a personal memory aid, and are not accessible or revealed to any individual except a temporary substitute;
2. Records of the UNCW police department used for law enforcement purposes;
3. Student medical and counseling records maintained and used only in connection with provision of medical treatment or counseling of the student and are made available only to the individuals providing the treatment;
4. Employment records unrelated to the student's status as a student (these records are covered under the N.C. Personnel Records Act); or
5. Records which contain information about a student after he or she is no longer in attendance at the university.

C. "School official" means:

1. An employee, agent or officer of the university or The University of North Carolina's Office of the President or General Administration in an administrative, supervisory, academic or research, or support staff position and acting in his or her official capacity, including a student assisting another school official in performing his or her tasks;
2. A person serving on university committees, boards, and/or councils, including a student serving on a disciplinary or grievance committee;
3. Another educational institution that requests records for a particular student who seeks or intends to enroll; and
4. A person or company with whom the university has contracted (e.g. internship and clinical facilities, attorney, auditor, or collection agent) but limited to only the specific student information needed to fulfill the contract.

D. "Legitimate educational interest" means a school official who is performing an authorized task or an activity that he or she is undertaking in the name of the university for which access to an educational record is necessary or appropriate to the operation of the university or to the proper performance of the educational mission of the university.

E. "Student" means an individual who is or has been in attendance at UNCW. It does not include persons who have been admitted but did not attend the university. For the purposes of this policy, "attendance" starts with orientation and includes in person or by distant education and the period during which an individual is working under a UNCW work-study program.

F. In addition, the university may disclose personally identifiable information from a student's educational records without a student's consent to either individuals or entities permitted such access under applicable federal law and regulations. Such exceptions include, but are not limited to, the following situations: to comply with a lawfully issued subpoena or court order; to protect the health and safety of the student or others in an emergency; in litigation or for implied waivers by the student.

III-4 ALCOHOL AND DRUG VIOLATIONS AND VIOLENT CRIMES

A. Unless there are extenuating circumstances, the university will not generally notify parents or legal guardians of students under the age of 21 of the first time alcohol violation. Parents and guardians will be notified if the student is determined by the university to be a danger to himself/herself, others, or to property.

B. The university may notify parents and legal guardians of all second and subsequent alcohol violations. For purposes of determining what constitutes a second or subsequent violation, multiple related violations during a single incident will be treated as one offense. Offenses occurring prior to the date of this regulation will not be considered.

C. The university may notify parents or legal guardians of students under the age of 21 of any drug violations.

D. The university may disclose the final results of disciplinary proceedings in which a student is found to have committed a violent crime or non-forcible sex offense. Disclosure is limited to the name of the violator, the type of violation, and the sanction. Disclosure to victims may be made regardless of whether the alleged violator was found responsible. Disclosure to third parties may be made only if the alleged violator is found responsible.

III-5 INSPECTION AND REVIEW OF RECORDS

A. FERPA provides students with the right to inspect and review (within 45 days of request) information contained in their education records (as defined above), challenge the contents of their education records and to have a hearing if the outcome of the challenge is unsatisfactory (see below), and to submit explanatory statements for inclusion in their files if they feel the decisions of the hearing panels to be unacceptable.

B. The registrar has been designated by the university to coordinate the inspection and review procedures for student education records. Such records are maintained at several locations on the campus. The locations are shown in Section III-7, together with the title of the official custodian to be contacted for access to the records. A written request may be required. Students wishing to review their education records must make written requests to the administrator shown there. If the student is

uncertain as to the location of a particular record, a written request should be addressed to the registrar listing the item or items of interest.

C. Students may have copies made of their records unless a financial "hold" has been placed on the record by an appropriate university official. Such copies will be made at the student's expense at a cost of $.10 per page.

D. Students may not inspect and review the following, as specified in FERPA: financial information submitted by their parents; confidential letters and recommendations associated with admissions, employment or job placement, or honors to which they have waived their rights of inspection and review; or education records containing information about more than one student, in which case the institution will permit access only to that part of the record which pertains to the inquiring student. The university is not required to permit students to inspect and review confidential letters and recommendations placed in their files prior to January 1, 1975, providing those letters were collected under established policies of confidentiality and were used only for the purposes for which they were collected.

III-6 AMENDMENT OF STUDENT RECORD

A. If a student believes that the information contained in his/her education records is inaccurate or misleading, or that it violates privacy or other rights, the student may request that the university amend the record. Such request shall be in writing addressed to the registrar, and shall specify the amendment sought.

B. The registrar or his/her designee shall, within 30 days after receiving the student's request, and after consulting with appropriate university officials, decide whether the record will be amended in accordance with the request, and inform the student. If the decision is to refuse to amend the record in accordance with the request, the registrar shall simultaneously advise the student that he/she may request a hearing to challenge the content of the education record to ensure that the information therein is not inaccurate, misleading or otherwise in violation of the privacy or the rights of the student.

C. If the registrar receives a request for a hearing, he/she shall request that the chancellor appoint a panel of three university faculty or staff members to conduct the hearing. Persons appointed shall be individuals who have no direct interest in the outcome of the hearing. The chancellor shall designate the chair of the panel and shall provide the panel such assistance as deemed appropriate.

D. The chair of the hearing panel established as in Section III-6-C above shall notify the student and the registrar of the date, time and place of the hearing at least five (5) days before the hearing.

E. The student shall be afforded a full and fair opportunity to present evidence relevant to the issue whether the information in the student's education record is inaccurate, misleading, or otherwise in violation of

the student's privacy or other rights. The student may be assisted by individuals of his/her choice at his/her own expense, including an advisor.

F. The registrar or persons appearing in his/her behalf shall be afforded a like opportunity.

G. The panel shall make its decision solely on the basis of the evidence presented at the hearing. The decision of the panel shall be in writing and shall include a summary of the evidence and the reasons for the decision.

H. If the opinion of the panel is that the information in the student's record is inaccurate, misleading or otherwise in violation of the privacy or other rights of the student, the committee shall forward to the chancellor its written recommendation. The chancellor will forward to the student a decision in ten (10) class days.

I. If the panel decides that the information is not inaccurate, misleading, or otherwise in violation of the privacy or other rights of the student, it shall inform the student of the right to place in the education record a statement commenting on the records and setting forth the reasons for disagreeing with the agency or institution. Such statement shall thereafter be maintained as part of the education record and thereafter disclosed to any party to whom the contested record is disclosed.

J. If the student believes that the procedures determining the challenge were unfair or not in keeping with FERPA requirements, he/she may direct a written appeal to the chancellor.

K. Students who believe that the adjudications of their challenges were unfair, or not in keeping with the provisions of the Act may request in writing, assistance from the chancellor. Further, students who believe that their rights have been abridged, may file complaints with the Family Policy Compliance Office, Department of Education, 400 Maryland Avenue, SW, Washington, D.C. 20202, concerning the alleged failures of the university to comply with the law. For further information, students may consult the registrar, who has available copies of the statute and the Department of Education's regulations.

III-7 LOCATION OF STUDENT RECORDS

A. ACADEMIC RECORDS

Official: Registrar's Office, University Registrar, Hinton James Hall
Advising:
1. Offices of each academic department, Department Chair
2. Offices of each college or school, Dean of College
3. Special Programs, Director, Hoggard Hall

B. DISCIPLINARY RECORDS

Office of the Dean of Students, University Union

C. EMPLOYMENT RECORDS

1. Office of Student Financial Aid, Hinton James Hall
2. Career Services, University Union

D. COUNSELING RECORDS

Director of Counseling Center, Westside Hall

E. MEDICAL RECORDS

Student Health Center, Westside Hall

F. FINANCIAL AID RECORDS

Office of Student Financial Aid, Hinton James Hall

G. UNIVERSITY POLICE RECORDS

Chief of Police, University Police Department

H. CAREER SERVICES RECORDS

Career Services, University Union

I. RECORDS RELATING TO INTERNATIONAL STUDENT PROGRAM

Office of International Programs, University Union

J. RECORDS RELATING TO STUDENT ATHLETES

Athletic Director, Nixon Annex

K. ADMISSIONS RECORDS

Director of Undergraduate Admissions, Hinton James Hall
Graduate Admissions, Dean, Graduate School, Hinton James Hall

L. STUDENT ACCOUNTS RECORDS

Accounting Office, Hinton James Hall

M. RESIDENCE HALL RECORDS

Director of Housing and Residence Life, Office of Housing and Residence Life

SECTION IV
UNIVERSITY OWNED RESIDENCES

IV-1 INTRODUCTION

The Office of Housing and Residence Life is committed to providing students with opportunities for diverse and meaningful learning experiences outside of the classroom. The Housing and Residence Life program facilitates this growth for each resident through a variety of opportunities for educational development, social interaction and athletic competition. These positive experiences in community living, self-discipline and decision-making enhance campus life. The Director of Housing and Residence Life invites all students to stop by to ask questions and offer suggestions about living on campus. The Office of Housing and Residence Life is located in a building directly behind Schwartz Hall. Please refer to the *Guide for On-Campus Living* for more detailed information on facilities. Students living on-campus are responsible for the information in the *Guide for On-Campus Living*. The *Guide for On-Campus Living* is mailed to freshmen and transfer students as part of their contract packet. Returning students receive the license contract booklet when they reclaim their living space.

IV-2 RESIDENCE LIFE STAFF

A. The organization and administration of the Housing and Residence Life Program is the responsibility of the Office of the Vice Chancellor for Student Affairs. The Director of Housing and Residence Life, the Associate Director of Residence Life and the Associate Director of Housing Operations and professional Residence Coordinators are members of the staff of the Division of Student Affairs.

B. Residence Coordinators, assisted by a group of resident assistants, supervise the apartments, the suite area, and each residence hall.

IV-3 RESIDENCE LIFE POLICIES

The primary responsibility of the Housing and Residence Life program is to maintain an atmosphere conducive to the pursuit of academic and personal goals and personal growth. Within this context, it is important to recognize the effect of the residence life setting which creates a special need for awareness of how one's individual actions can influence the environment of the floor and thus directly affect the resident community. In light of these conditions, the following policies have been established.

A. ALCOHOLIC BEVERAGES

Although consumption of alcoholic beverages is not encouraged by the university, students are permitted to possess and consume alcoholic beverages in their rooms provided that they comply with state laws

pertaining to alcoholic beverages. In addition to the UNCW policies regarding the possession and consumption of alcoholic beverages (University Policy A) and marketing of alcoholic beverages (University Policy B) the following rules pertain to residence halls:

1. There are to be no kegs or containers for common distribution of alcohol in the students' rooms or elsewhere in the residence halls, apartments or suite buildings.
2. Non-residents and guests are not allowed to bring alcoholic beverages into any student residence facility.
3. Residents and their guests may be asked to open all backpacks, bags, coolers, and other containers when entering a residence hall. This procedure is a safety and security measure which prevents most unwanted or unauthorized materials from being brought into the halls. Cooperation with staff requests at the front desk is expected and appreciated. Residents and their guests may be denied entrance if they choose not to cooperate with this request.
4. Alcoholic beverages may not be consumed in public areas including hallways, lounges, apartment balconies/porches, or outside the buildings.

B. DRUGS

The illegal use, possession, sale, delivery and/or manufacture of drugs will not be tolerated and may be grounds for immediate suspension or dismissal of students, faculty members, administrators and other university employees. Possession of drug related paraphernalia is also not permitted (Section V and State Law I).

C. VISITATION

The visitation program in the UNCW student residences creates a structure for residents to bring guests into their rooms. In full support of the educational mission of the university, students living on campus are expected to view academic responsibilities as their primary goal. Studying, therefore, takes precedence over socializing in the student residences on weekday nights. On weekends, when fewer classes are scheduled, there is a greater amount of leisure time and social or non-academic activities are usually more prominent. The guidelines for visitation are grounded in this academic schedule and are designed to balance a student's academic responsibilities with individual and group needs.

1. The visitation program is to function within the parameters and according to the procedures which follow. The existing programs have been developed through deliberate studies by staff and student groups during the recent past. Certain underlying assumptions are reflected in the visitation program at UNCW:

a. There is a legitimate need for, and benefit from, providing greater opportunity for contact between students.
b. The nature of the physical facilities, particularly in the traditional residence halls, places certain limitations on the visitation program.
c. The hours of the program accommodate, as best they can, the divergent lifestyles of students and variety of housing styles available on campus.
d. The purpose of a student's room is primarily for study and sleep, which take precedence over social privileges.
e. Respect for the wishes and well being of one's roommate(s) is more important than someone's desire to have guests.
f. Cohabitation is not permitted in any university housing facility.

2. PARTICIPATION

All students have the opportunity to learn more about the visitation program at a building-wide vote that takes place during the first week of classes in the fall. If sufficient interest in a non-visitation area exists, specific arrangements will be made to accommodate that request. In the event that there are not enough requests to satisfy various options, no person will be forced to participate in a more liberal visitation policy than he or she wants.

3. REGISTRATION OF GUESTS

It is the responsibility of each resident to attend to the registration of a guest. Furthermore, it is the responsibility of each resident to escort the guest at all times while the guest remains in the building. Guests must provide and surrender a picture ID to the desk receptionists when checking in. This identification will be returned when the guest leaves the building. False identification will be turned over to University Police for appropriate action. Hosts are responsible for guests' behavior, for any damages incurred, and for the adherence to all university policies and procedures.

4. LOSS OF PRIVILEGES

Like most opportunities at the university, visitation is not a right, but rather a privilege that may be suspended at any time for violations of policies stated in the *Guide for On-Campus Living*. Visitation privileges may be suspended administratively by the Office of Housing and Residence Life or by a judicial hearing officer as a result of disciplinary action.

5. DAYS AND HOURS

There is a distinction in the guest policy at UNCW that separates residences into two groups, each having its own visitation hours and group process to decide these hours.

At the beginning of the fall semester, all residential facilities (except the University Apartments, the University Suites, and the

International Residence Hall) begin with visitation hours that are set at 11:00 a.m. to 11:00 p.m. on Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday. Within the first two weeks of the fall semester, residence hall students will vote on the visitation option that they prefer for the full academic year. They will have two options to select from. The first option would allow for visitation hours from 11:00 a.m. to 11:00 p.m. on Sunday through Thursday and 11:00 a.m. to 2:00 a.m. on Friday and Saturday. Additionally, students can vote to extend these hours to a maximum of 10:00 a.m. to midnight on Sunday through Thursday and 10 a.m. to 3:00 a.m. on Friday and Saturday. The second option would have the same stipulations for the weekdays, Sunday through Thursday nights (including extending the hours). On Friday and Saturday nights, option II would allow for open visitation. Students are expected to recognize roommate rights and follow the state's co-habitation law. Each option has percentage requirements (based upon total residence hall occupancy) that must be met.

Each building may also choose to accept extended in-hall visitation privileges during the vote, which takes place in the fall semester. Extended in-hall visitation allows residents of a building free access to visit other residents within the residence hall. This is in addition to the normal visitation hours, which apply to outside guests. These hours may be extended to include up to 24 hours per day, seven days per week.

6. OVERNIGHT GUESTS

An individual of the same sex as the host may be a non-resident overnight guest in the residence hall for a maximum of three nights in any given two-week period. A person may not be an overnight guest of more than one resident per two-week period. Guests are identified and registered through the Front Desk of each residence hall. Overnight guests of either gender are permissible under the general guidelines stated previously in the University Suites and the UNCW Apartments. However, cohabitation is not permitted at any time. Violations may result in loss of these visitation privileges.

D. PETS

Because of public health regulations, pets are not permitted in the residence halls/apartments/suites under any circumstances. This includes, but is not limited to, dogs, cats, birds, hamsters, snakes, other reptiles and amphibians, mice and other rodents. Fish in aquariums are permitted as long as the tank does not exceed 20 gallons and is kept in sanitary condition.

* Any pets found in violation of this policy may be removed immediately and turned over to the Wilmington Animal Control Center or the Humane Society.

E. NOISE

Residents are expected to use discretion where noise is concerned both in and around the student residences. Therefore, excessive noise is prohibited at all times. Courtesy hours are always in effect, and students are asked to be considerate of others' rights to study and sleep. During these hours, the environment is to be one that is conducive to studying. Loud stereos, gatherings in hallways, and other disturbances will not be allowed. If stereos are played out of windows, or are a problem in any area around the residence halls and apartments, owners risk the removal of the stereo from the residence hall, suite or apartment.

Due to the nature of musical instruments, drums and amplified sound equipment are not allowed in any on-campus housing.

Quiet hours are 8:00 p.m. to 10:00 a.m., Sunday through Thursday. On both Friday and Saturday nights, quiet hours begin at 12:00 a.m. and go until 10:00 a.m. the following morning. Noise, including talking, music and other miscellaneous sounds, must be kept at a minimum level so that they cannot be heard in others' rooms.

If a resident has a problem with noise, the first step is for her/him to talk to the resident(s) about the situation. If the noise continues after a resident has first confronted the situation, the floor RA should be contacted. If the floor RA is not available, contact the duty RA. During final examinations each semester, 24-hour quiet hours will be enforced. Look for posted signs that provide details about quiet hours during final exams.

F. SOLICITATION

Residence halls, apartments and/or suites cannot be used to raise money for any individual or organization other than an official registered campus organization (faculty, staff or student). Anyone not connected with the residence halls, apartments or suites that does not have the proper identification and authorization, may be cited for trespassing. In order to maintain the privacy of resident students, no door-to-door solicitation is allowed. Authorization for solicitation (in lobby areas) must come from the Campus Activities and Involvement Center and the Director of Housing and Residence Life. Banners, signs or posters may not be affixed to the outside of any building without written permission from the Director of Housing and Residence Life.

G. BEHAVIOR

Disciplinary proceedings as outlined in Section II-2 will be initiated against a student who violates the *Code* Section II-1-B, policies in the *Guide for On-Campus Living* and/or other applicable rules such as:

1. Violation of visitation as outlined in the *Code* or posted in the residence halls, apartments, and suites.
2. Tampering with, destroying, defacing or removing public property within the residence life area, including furniture, doors, screens, walls, elevators, vending machines, ceiling tiles, games, etc.
3. Destroying or tampering with fire alarms and/or fire fighting or emergency equipment.
4. Loaning or using unauthorized entrance door keys, room keys and/or hall, apartment and suite combinations.
5. Throwing objects from the windows of residence halls/apartments/suites.
6. Undermining the security of hall residents and property (e.g., intentionally leaving doors propped open, climbing through open windows).
7. Cooking in residence hall rooms.
8. Walking or laying on building or apartment roofs.
9. Obstructing hallways and/or entrances (e.g., bicycles parked in these areas).
10. Driving motorized vehicles on the sidewalks and/or grass in the residence life areas.
11. Providing false or misleading information to housing staff.

H. INDIVIDUAL PRIVACY IN RELATION TO STUDENT ROOMS

Privacy of the individual is of the utmost concern to the Office of Housing and Residence Life and the university; however, entry of student residence hall rooms and apartments at times is necessary.

1. ROOM ENTRY

   University officials may enter a room under the following conditions:

   a. When there is sufficient reason to believe that an emergency situation exists which poses immediate danger to the occupants and/or to the facility.
   b. For routine maintenance, cleaning, and health/safety inspections.
   c. To deal with disturbances which are in violation of university regulations and/or violating the rights of other student within the residence hall, apartment complex, or suite complex.
   d. When a student who is a resident gives voluntary consent. The student's consent may be freely given and must not be based on

coercion or threats by the university, and must not be occasioned by a student's fear of reprisal for failure to give consent.

1. The intrusion by the employee must be limited to the consent given by the student; for example, if the student consents to entry by the employee, the employee is not entitled to search the student's belongings without obtaining further consent to do so.
2. Any student who is a resident of the room, suite or apartment may consent to entry of the university employee and to a search of that student's personal belongings. However, no student may consent to the search of another student's bedroom, closets, locker, suitcases or other areas under the primary control of another student.

e. Materials found during entry as described in this section may be used in any university disciplinary proceeding if said material is found in plain sight or during the course of performing the objectives described in a, b, c and d. Materials found beyond the scope of such entry shall constitute a search as defined below and may not be admitted if found in violation of that section. Any unauthorized materials found during an entry may be impounded.

2. ROOM SEARCH

Searches of student-occupied premises or a student's personal possessions shall be only as authorized by law. A student's room is considered private; a search of residence hall rooms will be guided by the following principles:

a. University officials and/or University Police may search a room only upon obtaining a legal warrant or consent of the occupants.
b. Searches of university residence hall rooms by external law enforcement officials will be regarded as a matter between the student and law enforcement officials involved. The university's interest will be limited to requesting that it be notified of impending searches.

I. ROOM CONDITION

Any alteration within a residence room such as the construction of lofts and bunk beds must be approved in advance by the Office of Housing and Residence Life.

J. FIREARMS

The Office of Housing and Residence Life enforces the state law (N.C.G.S. 144-269.2) on firearms and/or other weapons on university property. See Section II-B, Student Conduct and Appeals, for offenses, and State Law II for the complete statute on weapons and firearms.

SECTION V
POLICY ON ILLEGAL DRUGS

V-1 PURPOSE

The fundamental purpose of the University of North Carolina Wilmington (UNCW) is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. That environment is damaged by illegal drug use. Therefore, all members of the academic community, students, faculty members, administrators and other university employees, share the responsibility for protecting the environment by exemplifying high standards of professional and personal conduct.

V-2 POLICY AND PROGRAM

A. The illegal use, possession, sale, delivery and/or manufacture of drugs will not be tolerated and may be grounds for immediate suspension or dismissal of students, faculty members, administrators and other university employees.

B. UNCW policies and programs are intended to emphasize:
   1. The incompatibility of the use or sale of illegal drugs with the goals of the university.
   2. The legal consequences of involvement with illegal drugs.
   3. The medical implications of the use of illegal drugs.
   4. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.

C. UNCW provides a systematic substance abuse education and prevention program designed to reach all segments of the campus community. To assist in accomplishing this mission, CROSSROADS: Substance Abuse Prevention and Education Program, has developed a well-integrated centralized program that is a focal point for campus substance abuse education, training, and prevention which monitors the effectiveness of programs for constituencies served. The Counseling Center provides substance abuse counseling and referral services for students and provides consultation to students, faculty and staff. This policy on illegal drugs is presented within the four areas of education, counseling and rehabilitation, enforcement and penalties and assessment.

V-3 EDUCATION

UNCW provides a program of education designed to help all members of the university community avoid involvement with illegal drugs. Education programs:

A. Provide a system of accurate, current information exchange on the health risks and symptoms of drug use for students, faculty and staff.

B. Promote and support institutional activity programming that discourages substance abuse.
C. Establish collaborative relationships between community groups and agencies and the institution for education, treatment and referral.
D. Provide training programs for students, faculty and staff to enable them to detect problems related to drug use, and to refer persons with these problems to appropriate assistance.
E. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.
F. Support and encourage faculty in incorporating education about drugs into the curriculum where appropriate.
G. Develop a coordinated effort across campus for drug related education, treatment and referral.

V-4 COUNSELING AND REHABILITATION

A. UNCW provides information about drug counseling and rehabilitation services to members of the university community. Persons who voluntarily avail themselves of university services can be assured that applicable professional standards of confidentiality will be observed. Counseling and rehabilitation services include:
1. Training for professional staff and student staff on drug abuse information, intervention and referral.
2. Education programs for students who have demonstrated abusive behavior with drugs.
3. Assessment, counseling and referrals for students.
4. Consultation, information and referrals for students, staff and faculty.

B. In providing the above strategies, it is recognized that some campus constituents may prefer professional assistance external to the campus. Therefore, CROSSROADS: Substance Abuse Prevention and Education Program will collaborate with the Counseling Center in the development of appropriate referral mechanisms for these individuals. A listing of off-campus resources for assistance and referral is available for those who choose that option. In the development of this program, it is desired that faculty, students, administrators and other employees be comfortable in the manner in which they are served and have a choice in the selection of appropriate assistance. Individuals served in the Counseling Center on campus can be assured that applicable confidentiality will be maintained.

V-5 ENFORCEMENT AND PENALTIES

A. ENFORCEMENT

In seeking to enforce established university policy, the University of North Carolina Wilmington will:

1. Publicize all drug policies.
2. Consistently enforce drug policies.
3. Exercise appropriate disciplinary action for drug policy violations.

B. PENALTIES

UNCW shall take actions necessary, consistent with state and federal law and applicable university policy, to eliminate illegal drugs from the university community. University policy on illegal drugs is publicized in the university catalog, student and faculty handbooks, student orientation materials, letters to students and parents, residence hall meetings and faculty and employee meetings.

Students and faculty members, administrators and other employees are responsible as citizens for knowing about and complying with the provisions of the North Carolina law that makes it a crime to possess, sell, deliver or manufacture drugs designated collectively as "controlled substances" in Article V, Chapter 90 of the North Carolina General Statutes (see State Law I). Any member of the university community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by UNCW. It is not "double jeopardy" for both the civil authorities and the university to proceed against and adjudicate a person for the same specified conduct. The university will initiate its own disciplinary proceedings against the student, faculty member, administrator, or other employee when the alleged conduct is deemed to affect the interest of the university.

Penalties will be imposed by UNCW in accordance with procedural safeguards applicable to disciplinary actions against students (see *Code of Student Life*, Section II), faculty members (see *Policies of Academic Freedom and Tenure*, UNCW, Section VII), and administrators and other employees (see *Procedure No. PER 6.10 and Personnel Policies for Designated Employment Exempt from State Personnel Act - EPA Administrative Positions*).[1]

The penalties to be imposed by the university may range from written warning with probationary status to expulsion from enrollment and discharge from employment; however, the following minimum penalties shall be imposed for the particular offenses described.

1. ***TRAFFICKING IN ILLEGAL DRUGS***
   a. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver any controlled substance identified in Schedule I, North

[1] Rules of the State Personnel Commission govern the disciplinary actions that may be taken against SPA employees. Under current commission regulations discharge, rather than suspension, is the applicable penalty for SPA employees in those instances where this policy otherwise requires suspension.

Carolina General Statutes 90-89, or Schedule II, North Carolina General Statutes, 90-90 (including, but not limited to, heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), any student shall be expelled and any faculty member, administrator or other employee shall be discharged.

b. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver, any controlled substance identified in Schedules III through VI, North Carolina General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, Phenobarbitals, codeine), the minimum penalty shall be suspension from enrollment or from employment[1] for a period of at least one semester or its equivalent. For a second offense, any student shall be expelled, and any faculty member, administrator, or other employee shall be discharged.

2. ***ILLEGAL POSSESSION OF DRUGS***

a. For a first offense involving the illegal possession of any controlled substance identified in Schedule I, North Carolina General Statutes 90-89, or Schedule II, North Carolina General Statutes 90-90, the minimum penalty shall be suspension from enrollment or from employment[1] for a period of at least one semester or its equivalent.

b. For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, North Carolina General Statutes 90-91 through 90-94, the minimum penalty shall be probation for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or employment[1] for any unexpired balance of the prescribed period of the probation.

c. For the second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators, and employees.

3. ***SUSPENSION PENDING FINAL DISPOSITION***

When a student, faculty member, administrator or university employee has been charged by UNCW with a violation of policies concerning illegal drugs, he/she may be suspended from enrollment and/or employment before the initiation or completion of regular

disciplinary proceedings if, assuming the truth of the charges, the chancellor, or in the chancellor's absence, the chancellor's designee concludes that the person's continued presence within the university community would constitute a clear and immediate danger to the health or welfare of other members of the university community; provided that, if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

V-6 ASSESSMENT

A. UNCW shall in its effort to continually assess the campus environment:
   1. Appraise the institutional environment as an underlying cause of drug abuse.
   2. Assess campus awareness, attitudes and behaviors regarding the use of drugs and employ results in program development.
   3. Collect and use drug related summary information from police and security reports to guide program development.
   4. Collect and use summary data regarding health, counseling and client information to guide program development.
   5. Collect summary data regarding drug related disciplinary actions and use it to guide program development.

B. Annually, the chancellor shall submit to the Board of Trustees a report of campus activities related to illegal drugs for the proceeding year. The report shall include the following:
   1. A listing of major education activities conducted during the year;
   2. Any report on any illegal drug related incidents, including any sanctions imposed;
   3. An assessment by the chancellor of the effectiveness of the campus program; and
   4. Any proposed changes in university policy on illegal drugs.

The chancellor shall provide a copy of this report to the President.

Penalties

STATE LAW			UNCW POLICY	
SCHEDULE	**POSSESSION** (minimum penalties)	**SALE/ MANUFACTURE**	**POSSESSION** (minimum penalties)	**SALE/ MANUFACTURE**
I Heroin, LSD, Peyote, Mescaline, Psilocybin, Methaqualone, PCP, MDA	See **Note 1** and **G.S. 90-95 (d-f)**	Maximum penalty 219 months in prison plus fine not less than $200,000 Class D Felony	Suspension from enrollment or employment for at least one semester	Expulsion of student, discharge of employee
II Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Secondal, Nembural, Cocaine, Amphetamines, Anabolic Steroids, Methamphetamine	See **Note 2** and **G.S. 90-95 (d-f)**	219 months in prison plus fine not less than $250,000. If opium or opiate, 279 months in prison plus fine not less than $500,000 Class C Felony		
III Certain Barbiturates in Codeine-containing medicine (Tylenol #3, Empirin #3, Tussionex)			Probation to be determined on a case-by-case basis. Must agree to an assessment and/or drug test, drug education or counseling. Failure to do so shall result in suspension for the remaining period of probation. Subsequent offenses may involve more severe penalties, expulsion or discharge.	First offense: Suspension for one semester Second offense: Expulsion or discharge
IV Barbiturates, narcotics, and stimulants, including Valium, Talwin, Librium, Darvon, Tranzene, Serax, Equanil, Ionamin, Rohypnol				
V Compounds with limited Codeine, such as Terpine Hydrate, Robitussin AC	See **Note 3** and **G.S. 90-95 (d-f)**			
VI Marijuana, THC, Hashish, Hash Oil	See **Note 4** and **G.S. 90-95 (d-f)**	Maximum penalty 219 months in prison plus fine not less than $200,000 Class D Felony		

SECTION VI
STUDENT ORGANIZATIONS

VI-1 INTRODUCTION

Students bring to the university a variety of previously acquired interests and develop many new interests as members of the academic community. Students at UNCW are free to organize and join associations to promote their common interests. Student organizations wishing to be registered with UNCW must form and operate in compliance with university policies. It is through its more than 160 student organizations that the university is able to maintain a sense of community and afford students the opportunity to pursue the practice of involvement, leadership and service. Although critical to the fabric of campus life, student organizations are independent organizations and are not considered to be an extension of the university. Unless the university has specifically requested that a student organization host an event (and by doing so has deemed the organization an agent of the university), the student organization will not be covered by the university's insurance.

A student organization is defined as a group of three (3) or more currently enrolled University of North Carolina Wilmington students who unite to promote a common interest. Student organizations may have other non-student members as part of the student organization but these non-student members may no be considered voting members. Unless more specific membership requirements are provided by the appropriate advisory council (appropriate advisory councils are SOC, Sport Club Council, Graduate Student Association, Panhellenic Council, National Pan-Hellenic Council, and the Interfraternity Council). This section outlines university policies pertaining to the formation and operation of student organizations, including actions that may be taken by the university, for noncompliance with these policies.

VI-2 STUDENT ORGANIZATIONS COMMITTEE

A. Student Organizations Committee (SOC), a standing advisory committee of the chancellor, has the responsibility of reviewing all student organizations for registration and recommending policy and processes to the chancellor. The committee has 13 members: five students appointed by SGA for one year, renewable terms; and five faculty appointed by the chancellor for three-year terms. The Director of the University Union & Campus Activities, the Associate Director for Involvement & Campus Activities, and the Campus Activities Coordinator are all ex-officio members and serve as advisors without a vote.

B. Responsibilities of the committee include:
   1. Reviewing, approving, and revoking registration of student organizations.

2. Formulating, reviewing, and approving policies governing student organizations for submission to the chancellor for final approval.
3. Considering appeals that pertain to registration procedures.
4. The SOC has continuing authority to review the purpose and activities of any student organization and to classify organizations in categories according to risk associated with their activity. The SOC has continuing authority to require participants of any student organizations, and the organization itself, (1) to maintain appropriate insurance coverage and to submit proof of coverage, and/or (2) to submit valid waiver(s) of liability or assumption of risk statement(s) that protect(s) the university to the greatest extent possible from the risk of liability because of the activities of the organization.

VI-3 APPLYING FOR REGISTRATION AS STUDENT ORGANIZATION

A. Students planning to develop a student organization must register their intent in writing with the Campus Activities and Involvement Center (CAIC) and must have at least three (3) University of North Carolina Wilmington currently enrolled student interested in starting the organization. Groups which have filed this "Intent to Register" shall be granted provisional status and the use of university facilities for organizational or recruitment meetings. Organizations under this status are not eligible to reserve university space for events, fundraise on - campus, or establish an on-campus account. If a proposed constitution is not submitted to CAIC within one month of filing the "Intent to Register", permission for use of university facilities and services may be terminated (see Section VII) and pending reservations may be cancelled.

B. To apply officially to SOC for registration, a group must submit a copy of its constitution to the CAIC. The CAIC will then work with the group on its constitution to prepare it for SOC review. The group must submit a final draft one week prior to the scheduled SOC meeting at which the constitution will be reviewed.

C. One of the following decisions will be made after a constitution is submitted to the SOC:
   1. The constitution will be accepted without revision.
   2. The constitution will be accepted pending minor revision.
   3. The constitution will be deferred until revisions are made and there is a second review done by the committee.
   3. The constitution will be rejected because it needs major revision.
   4. The constitution will be rejected because it does not comply with university policy.

D. Once an organization has been approved the CAIC will provide a current copy of registration guidelines for the student organizations. Student organizations must then continue to re-register annually each fall.

VI-4 RIGHTS OF REGISTERED STUDENT ORGANIZATIONS

A. A registered organization is entitled to:
   1. Be listed as a registered student organization. Only student organizations registered by SOC and in good standing with the university (meaning not on disciplinary probation) may use the name of the university or an abbreviation of it as a part of their name.
   2. Sponsor or present a public event on university property. Organizations undertaking this activity should consult with the CAIC for procedures and approval.
   3. Raise funds or make other permissible solicitations on university property in accordance with university policy (see Section VII-4).
   4. Reserve the use of university facilities and services (see Section VII and VIII-3).
   5. Be eligible for possible funding by the UNCW Student Government Association according to Student Government guidelines.
   6. Open an on-campus account to maintain the organization's funds.
   7. Establish and maintain a link on the "Student Organizations" web page for UNCW.
   8. Be listed in the annual Student Organization Directory.
   9. Appoint or elect an advisor of the organization's choice; although strongly recommended, an advisor is not required.
   10. Use Involvement Center resources.

B. Policies and actions of a student organization will be determined by those persons who hold a bona fide membership in the organization.

VI-5 DUTIES OF REGISTERED ORGANIZATIONS

A registered organization must:

A. Adhere to all university policies and procedures governing student organizations including:
   1. Adhere to student standards of conduct (II-2)
   2. Reserving space (VII-2)
   3. Posting publicity such as posters and banners (VII-4)
   4. Political and religious activity (VII-5)
   5. Solicitation both on and off campus (VII-6)
   6. Event registration
   7. Dances
   8. Travel guidelines

B. Have three (3) or more currently enrolled University of North Carolina Wilmington students. Student organizations may have non-student members as part of the student organization but these non-student members are not considered voting members.

C. Furnish a complete list of advisors to CAIC by the date set annually (date is published in CAIC registration materials and posted on-line at

www.uncw.edu/activities). In addition, furnish a complete list of officers, and other members of the organization who are authorized to speak for, or represent the organization and who are designated to (including, but not limited to) sign paperwork, reserve space, file and manage appropriations and receive for the organization official notices, directives or other information from the university. Advisors may not be designated to act on behalf of the student organizations in the above stated areas. Each list shall be kept current and accurate throughout the semester by the organization.

D. Keep on file with the CAIC a current copy of its SOC approved constitution signed and dated by the current president.

E. Send at least two delegates from its membership to the annual Student Organization Leadership Conference to receive leadership training for the academic year.

F. Send the president or another representative to meet with a member of the CAIC staff to review policies applicable to student organizations and receive an updated copy of the Student Organization Manual. This meeting should take place before the re-registration deadline set annually by CAIC.

G. If funded by SGA, use a UNCW account for deposit and use of funds.

H. Advertise or promote events or activities in a manner that does not suggest falsely that the event or activity is sponsored by the university.

I. Plan and conduct activities furthering the purpose of the group as stated in its constitution.

J. Adhere to all national policies if nationally affiliated.

K. State that sponsorship of guest speakers does not necessarily imply approval or endorsement of the views expressed by UNCW.

L. If advised by the Greek Affairs Coordinator, must register all social events with the Greek Affairs Coordinator by Thursday at 8 a.m., if the event is scheduled for a weekend, or forty-eight (48) hours prior to the event if the event is not scheduled for a weekend.

M. If affiliated with the Sport Club program, submit an Event Request five (5) business days prior to the event date and a Travel Request ten (10) business days prior to the date of travel.

N. Open membership to members of the university community without regard to race, color, age, religion, national origin, disability, or sexual orientation. Membership and participation in a student organization must also be open without regard to gender, unless exempt under Title IX (see Federal Law I)

O. Provide proof of general liability insurance to hold certain activities using university facilities as student organizations are not covered by the university's liability insurance.

VI-6 ANNUAL REVIEW OF ORGANIZATIONS

A. Annually, in the fall semester, the Campus Activities and Involvement Center (CAIC) shall review the status of all organizations to determine whether they meet eligibility requirements specified previously and are conducting their affairs in accordance with SOC guidelines and policies outlined in the *Code of Student Life.* Specific deadlines for registration materials will be set by CAIC each fall semester (deadline date is published in CAIC registration materials and posed on-line at www.uncw.edu/activities).

B. If CAIC determines that an organization has not completed the re-registration process, is ineligible for renewal of registration, is inactive, or conducts its affairs in violation of university policies and procedures, the organization shall be notified in writing of each deficiency and a copy of this correspondence shall be provided to the chairperson of the SOC and the Dean of Students. If the organization fails or refuses to attempt to remedy each deficiency, CAIC shall prepare a complaint based on the deficiency and forward it to the SOC for a determination of the student organization's registration status.

C. A student organization which is inactive for more than four consecutive semesters may have its registration status fully revoked. Should this organization choose to reactivate after four semesters it must submit "Intent to Register" as though is were a new student organization.

D. If, upon review, the SOC discovers that a student organization has revised its constitution so that it no longer complies with university policy, the organization will be notified in writing. If the constitution is not revised within ten (10) business days, the organization's registration status and all its privileges will be revoked. Should the student organization choose to revise its constitution after the ten (10) days, it must submit "Intent to Register" as though it were a new student organization.

VI-7 GOVERNING BODIES

The SOC has established thirteen categories of student organizations. These categories are Academic, Professional, Cultural, Graduate Student Associations, Greek Life, Honorary, Media, Political/Activist, Religious, Performance/Visual Arts, Service, Special Interest and Sports and Recreation. In addition, there are eight established governing bodies: Student Government Association, Interfraternity Council, Panhellenic Council, National Pan-Hellenic Council, Residence Hall Association, Student Media Board, Graduate Student Association and the Sport Club Council. Governing bodies serve to represent, connect and provide services for other student organizations with similar missions and/or student populations that fall under their jurisdiction.

The Campus Judicial Board plus two (2) designees from the appropriate advisory council (appropriate advisory councils are SOC, Sport Club Council, Graduate Student Association, Interfraternity, Panhellenic Council and National

Pan-Hellenic Council) would serve as the original hearing body. All student organizations still maintain the right to an administrative hearing conducted by the Office of the Dean of Students.

VI-8 CONDUCT REVIEW

A. A conduct review of any organization may be initiated by the Dean of Students/designee at the request of any registered campus organization, staff member, faculty member or student. Grounds for conduct review include, but are not limited to, alleged violation of rules by the organization as listed in Section II-1-B. Prior to disciplinary action or sanction, the Dean of Students/designee shall investigate the alleged violation. After completing a preliminary investigation, the Dean of Students/designee may:

1. Find no basis for complaint and dismiss the allegation as unfounded; or
2. Summon the officers of the organization for a conference and,
3. Either dismiss or proceed administratively by informing the organization of the following options for resolution of the disciplinary charges.
    a. Plead not responsible to the charges and have a regular hearing before the established Campus Judicial Board plus two (2) designees from the appropriate advisory council. If a student organization is held responsible by Campus Judicial Board plus two (2) designees from the appropriate advisory council, an appropriate sanction will be determined.
    b. Plead not responsible to the charge(s) and request an administrative hearing before the Dean of Students/designee where determination of violation will be made. If a student organization is held responsible by the administrative hearing officer, an appropriate sanction will be determined.
    c. Plead responsible to the charge(s) and elect for an administrative hearing before the Dean of Students/designee to determine an appropriate sanction. The Dean of Students/ designee reserves the right to not hear the case.
4. A student organization choosing a regular hearing before Campus Judicial Board plus two (2) designees from the appropriate advisory council has a right of appeal to the vice chancellor for student affairs. A student organization choosing a regular hearing before the Dean of Students/designee has the right of appeal of the dean's decision to the Campus Judicial Board plus two (2) designees from the appropriate advisory council.

B. The Dean of Students/designee and the Campus Judicial Board plus two (2) designees from the appropriate advisory council have the following disciplinary sanctions for dealing with groups that have been found in violation of university policies:

1. ***Oral Reprimand*** -- An oral statement of disapproval, with a formal notation.
2. ***Written Reprimand*** -- A written reprimand involves a status of warning through the end of the next full semester, which terminates automatically when the imposed period expires.
3. ***Disciplinary Probation*** -- Disciplinary probation involves a status of probation through the end of the next two full semesters, which terminates automatically when the imposed period expires. An organization placed on disciplinary probation is considered not to be in good standing with the university.
4. ***Suspension*** -- Suspension involves withdrawal of student organization registration through the end of the next full semester, and ordinarily carries with it conditions which must be met for re-registration. Suspension ordinarily is followed by a status of probation through the end of the following full semester, which terminates automatically when the imposed period expires.
5. ***Indefinite Suspension*** -- Indefinite suspension involves withdrawal of student organization registration through the end of at least the next two full semesters and ordinarily carries with it conditions which must be met for re-registration. Re-registration after an indefinite suspension requires that the organization apply to the Dean of Students at the close of the imposed period. The dean will determine whether the organization has met the conditions imposed. A denial may be appealed to the SOC.

C. Campus Judicial Board plus two (2) designees from the appropriate advisory council, as part of the disciplinary process, may impose specific conditions and/or require the student organization to make restitution for damage to or misappropriation of property. Reimbursement may take the form of appropriate service to repair or otherwise compensate damages.

D. Campus Judicial Board plus two (2) designees from the appropriate advisory council may impose an oral reprimand, written reprimand or disciplinary probation, but may not impose the disciplinary penalty action of suspension or indefinite suspension. Campus Judicial Board plus two (2) designees from the appropriate advisory council may only recommend but not impose the disciplinary action of suspension.

E. Specific cases involving UNCW campus organizations that require immediate action shall be handled by the vice chancellor for student affairs. Action taken by the vice chancellor for student affairs may be appealed by the student organization to the Campus Judicial Board plus two (2) designees from the appropriate advisory council within five (5) class days. Action taken by Campus Judicial Board plus two (2) designees from the appropriate advisory council may be appealed by the student organization to the chancellor within five (5) class days.

F. An appeal as outlined above to each body shall be made in writing on or before the fifth class day after the decision of the appellate body. The

notice shall contain the organization's name, date of decision or action, if any, and the name of the organization's representative, if any. All parties involved shall receive notification of the appeal and subsequent actions.

G. The Campus Judicial Board plus two (2) designees from the appropriate advisory council or the Dean, as part of the disciplinary process, may make public the findings of the hearing and the sanctions imposed.

SECTION VII
USE OF UNIVERSITY FACILITIES

The university permits the orderly use of facilities by student organizations to further the educational process. Organizations desiring to use a university facility must comply with certain university policies and procedures so that institutional property may be protected and that the facility use is consistent with this designated intent. "Facility" is defined as meaning a physical education facility, classroom, lecture hall, housing and food service facilities, auditorium, University Union and Warwick Center, other buildings or outdoor areas of campus. University activities shall be given priority in use of facilities over outside groups.

VII-1 SMOKING POLICY

To promote a safe and healthy learning and working environment, smoking is prohibited at all times in all UNCW buildings.

VII-2 RESERVING SPACE

A. Student organizations registered by the Student Organizations Committee (SOC) and other university related groups desiring to use space must obtain permission from appropriate university officials. Students desiring to form a new organization are permitted limited use of university space for organizational meeting purposes only (see Section VI-3).

B. The University Union Reservations and Event Planning Coordinator is responsible for facilities information and maintaining a listing of contact officials for the reservation of university facilities. Listed below are the contact offices for reservation of university facilities.

1. Physical education/recreational facilities—Department of Campus Recreation
2. Classrooms, lecture halls, housing and food service facilities (off-campus groups requesting use)—UNCW Facilities Scheduling Office
3. Randall Library Auditorium—UNCW Facilities Scheduling Office
4. Kenan Auditorium—Office of the Manager of Kenan Auditorium
5. University Union and Warwick Center—Reservations & Event Planning Office-Union
6. University Commons—Reservations & Event Planning Office-Union

7. Outdoor areas on campus—UNCW Facilities Scheduling Office
8. Residence Halls—Office of Housing and Residence Life
9. Gazebo Recreation Field—Department of Campus Recreation
10. Gazebo—Department of Campus Recreation
11. Wagoner Dining Hall—Campus Dining
12. Madeline Suite—UNCW Facilities Scheduling Office
13. Hawk's Nest—Reservations & Event Planning Office-Union
14. Trask Coliseum—Athletic Department

C. An organization or individual student wishing to reserve one of the university facilities listed above should contact the office identified. Procedures for use of facilities identified above can be reviewed in each office responsible for facility use.

D. Any peaceful assembly, protest, or demonstration where 50 or more people are expected to participate must be registered with the Office of the Dean of Students prior to the event. Whenever possible at least 48 hours lead time will be given.

E. If a request for use of a facility is not approved, the applicant will be given a statement of reasons for refusal.

F. Appeal of adverse decisions for use of university facilities may be made to the Facilities Use Committee composed of the vice chancellors for academic affairs, business affairs and student affairs. The Facilities Use Committee, subject to approval of the chancellor, shall have authority to revise policies and procedure regarding the use of university facilities by university groups.

VII-3 OFF LIMITS PROPERTY

The eastern section of the university's property, which is undeveloped, should not be used for any purpose by students. Comprising approximately 60 percent of the total campus, the area is posted with "No Trespassing" signs, which should be observed.

VII-4 REGULATIONS REGARDING PETITIONS, HANDBILLS, SIGNS, POSTERS, BULLETIN BOARDS, BOOTHS, BANNERS AND OTHER PROMOTIONAL ACTIVITIES

A. All posters, notices and other literature must be placed on bulletin boards designated for that purpose which are located throughout the campus. All bulletin boards or other means of posting materials are under the jurisdiction of the college, school, department or administrative office that maintains them. All posters, notices and other literature involving alcohol must be in accordance with the marketing practices described in University Policy B.

B. No posters or publicly distributed materials shall contain obscene, vulgar or libelous material, nor should any material be distributed which

contains information in violation of any federal, state or local law or seeks unauthorized solicitation.

C. Distributors of literature must not obstruct traffic, harass or interfere with by-passers, block entrances, disturb others with excessive noise, litter premises or disturb or interfere with academic or institutional activities.

D. Postings and signs must be dated on the day of posting and normally should not remain beyond 14 days.

E. Notices should not be placed over existing posters; however, outdated material may be removed to make room for upcoming events.

F. In this section, "sign" includes billboard, decal, notice, placard, poster, banner or any kind of hand-held sign; and posting is defined as any means used for displaying a sign. A sign may not be:

1. Attached to a shrub or plant; a tree, except by string to its trunk; a permanent sign installed for another purpose; a fence or chain or its supporting structure; a brick, concrete or masonry structure; a sanctuary, monument or similar structure; or
2. Posted on or adjacent to a fire hydrant; on or between a curb and sidewalk; in a university building, except on the bulletin board; as provided in Section VII-2-A.
3. Placed on windshields of vehicles on campus.

G. Information and/or sales tables in or around the University Union and Warwick Center must be reserved through the Reservations & Events Office.

H. **Banners**

1. Locations

   University Union outside - north side poles
   University Union inside - center staircase and north lobby staircase
   Warwick Center outside - northeast corner poles
   Wagoner Dining Hall outside - west entrance poles
   Residence Life Recreation Field - poles (near softball field)
   Crews and Randall Drive - poles near water tower
   Locations where poles are designated, poles must be used.
   Banners may not be hung on the water tower or clock tower.

2. Content

   All banners must clearly identify the student organization sponsoring the event or promotional activity. Banners advertising an event in which alcohol will be involved must adhere to the "Statement of Principles Regarding the Marketing of Alcoholic Beverages" as cited in University Policy B. Advertising should avoid reference to drink specials, graphics or pictures depicting the use of alcohol and terminology such as bash, .25 drafts, etc.

3. Approval

   All banners must be approved by staff in the Campus Activities and Involvement Center or the Office of the Dean of Students. If banners are not properly approved, they will be taken down. Student

organizations must take responsibility for removing banners within 24 hours after the event or after seven (7) days of posting, whichever comes first.

I. **Chalking on Campus**

1. Locations

Chalking is permitted on the sidewalks and brick areas in the vicinity of the University Union and Warwick Center. Chalking is not permitted on any vertical surfaces or under any porch coverings. In addition, chalking is not permitted in the courtyard of the University Union or amphitheatre since these are reserve spaces. Any chalking that is not in designated areas will be removed.

2. Content

Content is unrestricted unless the materials contain obscene, vulgar or libelous material. Nor should any materials be posted which contain information in violation of any federal, state or local law or seeks unauthorized solicitation.

3. Approval

Chalking areas are not reserve spaces. These spaces are available on a first come, first served basis.

4. Aerosol "spray-on" chalk is not allowed anywhere on campus.

J. **Spirit Rock**

1. Location

The Spirit Rock in front of the University Union is available for UNCW organizations and individuals to share their messages. The Spirit Rock is not reserve space, so it is available on a first come, first served basis. Out of courtesy, groups and individuals are asked to allow messages to remain on the rock for 24 hours.

2. Content

Content is unrestricted unless the materials contain obscene, vulgar or libelous material. Nor should any materials be posted which contain information in violation of any federal, state or local law or seeks unauthorized solicitation.

VII-5 POLITICAL AND RELIGIOUS ACTIVITY

A. Registered university organizations may sponsor activities on university property on behalf of a specific candidate for local, state or national political office.

B. Registered student groups and student organizations associated for religious purposes may sponsor religious activities on university property with a person or group of persons who are not students, faculty or staff members.

VII-6 SOLICITATION POLICY

Solicitation means the sale or offer for sale or sales promotion of any property or service and/or receipt of or request for any gift or contribution.

A. No solicitation shall be conducted in any building or structure on the campus of UNCW or on the grounds, sidewalks or streets on the campus of the UNCW except by the agents or employees of the university acting in the official capacity of their agency or employment or by student government and/or registered student organizations, in accordance with this section on university policy.

B. Registered student organizations of the institution may collect membership fees or dues at meetings of such organizations scheduled in accordance with the facilities-use regulations outlined in this section.

C. There may be a collection of admission fees for an exhibition of films or other programs that are sponsored by the university, a recognized faculty group or a registered student organization and are scheduled in accordance with the facilities use regulations in this section.

D. Solicitation must be conducted in a way:
   1. That will not disturb or interfere with the regular academic or institutional programs being conducted on the campus.
   2. That will not interfere with the free and unimpeded flow of pedestrian or vehicular traffic or sidewalks, streets, or entrances to the campus buildings or common areas of campus buildings.
   3. That will not harass, embarrass or intimidate the person or persons being solicited.

E. Charitable fund-raising campaigns conducted on campus by individuals, student organizations or non-student campus groups must be approved by the Campus Activities and Involvement Center and must be in compliance with the North Carolina "Solicitation of Charitable Funds Act."

F. Student organizations may solicit local vendors or merchants for donations only with prior approval from both the Campus Activities and Involvement Center and University Advancement. Students should make it known that they are only representing their respective group and are not acting in any official capacity for the university.

G. Student organizations and affiliated groups may solicit only with the written approval of the Campus Activities and Involvement Center. A properly completed solicitation form and compliance agreement must be submitted to the Campus Activities and Involvement Center seven (7) days before the event. Approval will be granted under the following conditions:
   1. The primary purpose of such sales will be to raise money for the benefit of the campus group or for charitable causes.
   2. All solicitation must be conducted by and only by members of the sponsoring group. The university reserves the right to limit the type of fundraiser that organizations are permitted to conduct on campus.

Fundraising is a privilege granted to university recognized groups and therefore those privileges may be limited in type or scope. For example, credit card solicitation is not permitted on campus.

3. Outside vendors are not permitted to conduct solicitation on behalf of student organizations. Solicitations must be conducted in space approved by the appropriate facilities manager: (1) University Union, Warwick Center and surrounding grounds, (2) Wagoner Hall, (3) mall area outside Wagoner Hall, and (4) Brooks Field. Other areas may be designated in special circumstances as determined by the Dean of Students.
4. Registered student organizations funded by the Student Government Association are required to provide a financial statement to the Student Government Association regarding the conduct of sales within five (5) class days of the completion of the event.
5. Activities authorized by the university administration involving the sale of goods or services including but not limited to activities of the University Bookstore personnel and representatives of education-supply firms, are exempt from this policy.

H. Regulations for on-campus ticket sales are as follows:

1. An organization selling tickets through the Information Center shall have all monies received from ticket sales deposited in a regular university account by Union Staff.
2. Student organizations funded by the Student Government Association shall file with the Student Government Association a final report reconciling sales of tickets and names of recipients of complimentary tickets with all unused tickets.
3. All activities involving university funds or services are subject to university and state audit.
4. An organization shall consult with the Campus Activities and Involvement Center regarding fund-raising events. Tickets for fund-raising events shall indicate admission price, sponsoring organization and be pre-numbered, unless they reserve specific seats for specific performances.

I. Raffle Guidelines

It is lawful for tax-exempt organizations to conduct raffles in accordance with, but not limited to, the following regulations:

1. A raffle is a lottery in which a prize is won by a random drawing of the name or number of one or more persons purchasing chances.
2. Most clubs and organizations operating under the auspices of UNCW must claim tax-exempt status. A letter from the North Carolina Department of Revenue permitting this status must be on file in the Campus Activities and Involvement Center prior to approval.
3. The maximum cash prize for a raffle is $1,000. There is a $25,000 limit on the value of merchandise that may be offered.

4. No alcoholic beverages may be raffled.
5. An organization may sponsor only two raffles per year.
6. No person may be compensated for conducting a raffle.
7. Proceeds derived from the raffle may be expended for the prizes and operation of the raffle and religious, charitable, scientific, literary, and educational purposes. No proceeds may be used for social functions for the members of the sponsoring organization.

Please contact the Campus Activities and Involvement Center for further information.

VII-7 APPEALS PROCEDURE

A. The student organization or group aggrieved by a decision covered by this section of the *Code* is entitled to appeal to the Office of the Vice Chancellor for Student Affairs by giving written notice on or before the fifth class day after the decision is announced. The notice shall contain the student's or organization's name and mailing address, a concise description of the complaint, the reasons for disagreeing with the decision and the date the decision was announced.

B. When notice of the appeal is received, the vice chancellor for student affairs shall delegate responsibility for hearing that appeal. The delegate shall provide the student organization with an opportunity for a hearing and the person or organization shall be notified at least one day before the date of the hearing.

C. The student or the organization may petition the Student Organization Committee (SOC) in writing, through the delegate, to review a decision which has been appealed. The vice chancellor for student affairs shall request SOC to review the appeal and make recommendations.

SECTION VIII
UNIVERSITY UNION & WARWICK CENTER

The University Union and Warwick Center serve as focal points for campus life outside the classroom, enhancing the university's mission to offer a well-rounded educational experience to its students. The facilities provide meeting space, study areas, recreational space, and space for student organization offices, various student service offices and the services of a post office, the University Information Center, banking machines, snack bars and art gallery spaces.

VIII-1 UNCW UNIVERSITY UNION ADVISORY BOARD

The purpose of the UNCW University Union Advisory Board is to act in an advisory capacity to the Director and staff of the University Union and staff in matters regarding the management and operation of the Union and the Warwick Center. It is a chancellor's committee. The board shall operate and report to the chancellor through the vice chancellor for student affairs.

The board will be comprised of 12 voting members and designated non-voting, ex-officio members. All appointments shall be approved by the chancellor. Faculty and staff will be appointed for a two-year term; Students shall be appointed for a one-year term. The full board will meet approximately three times per semester during the academic year. Whenever possible, meeting agendas will be distributed prior to each meeting, with the Director of the University Union serving as convener. Decision-making will be by consensus whenever possible or by simple majority voting if necessary. The University Union staff will provide information on the University Union Board in its annual report.

A. MEMBERSHIP

Members shall be appointed by the chancellor to ensure representation and interaction among students, faculty, staff and alumni. Every member, with the exception of the Alumni Association member, shall be a current full-time employee of UNCW, or an enrolled graduate or undergraduate student who is in good academic and disciplinary standing at UNCW at the time of his/her appointment and throughout his/her term. A voting member shall have been an employee or student at UNCW for one semester (two summer sessions will be considered one semester), prior to his/her appointment.

The 12 voting members shall consist of:

1. Seven (7) students appointed for one year terms:
    a. The president of the Student Government Association (SGA) or designee.
    b. The chair of the Association of Campus Entertainment or designee.
    c. One student appointed by the University Union Student Employee Committee (SEC).
    d. One resident student appointed by the Director of Housing and Residence Life.
    e. One commuter student appointed by the Coordinator for Commuter and Non-Traditional Student Services.
    f. One student appointed by the leadership of the Greek community (IFC, NPC, NPHC).
    g. One student appointed by the Director of Campus Diversity.
2. Two (2) faculty members from various disciplines for two year terms.
3. Two (2) staff members, one nominated by the vice chancellor for students affairs, and one nominated by the vice chancellor for public service and extended education for two year terms.
4. One (1) alumnus appointed by the Board of Directors of the UNCW Alumni Association for a two year term. Non-voting, ex-officio members include:

a. Director of the University Union, Convener
b. Dean of Students
c. Director of Auxiliary Services
d. Other University Union Staff
e. Student Designee of Student Media Board
f. Student Chair or Designee of the Student Organizations Committee

5. The Director of the University Union, or designee, will serve as the recording secretary for the Board. Staff support for the board will be provided by the Director and other Union staff members. To conduct business, quorum will consist of one third of the voting members of the advisory board.
6. Any member of the Advisory Board may be removed by a (2/3) vote of the voting membership. Circumstances necessitating removal may include missing three meetings of the Board without excuse and notification to the convener or non-performance of duties. The appropriate body or department would be notified of the need for a new appointee.

B. FUNCTIONS AND RESPONSIBILITIES OF THE BOARD

1. The Board meets approximately three times each semester during the academic year. An annual schedule of meetings will be established each year.
2. During summer and/or breaks, the Director will convene an ad hoc committee of Union Board members who are available to provide input as needed.

The Board is advisory to the Director in all aspects of the Union's operation. The Board will be asked to consider such items as:

1. Review policies, procedures and practices.
2. Requests for exceptions to guidelines/policies for space use in the University Union, Warwick Center and Campus Commons and other procedures of the University Union.
3. Review of issues arising from the operations of the University Union and Warwick Center, its programs and services.
4. The Board will have the authority to act as an appeal body in situations where it is so designated.

C. COMMITTEE STRUCTURE

Three standing sub-committees: Operations & Events, Programs & Marketing and Services & Administration will be convened as needed. At the first UCAC meeting of the year, members will select at least one sub-committee, but no more than two, for participation. University Union staff will provide advice and support to the sub-committee as needed. The sub-committees will provide in-depth examination of issues as they are

identified and report to the full board for action at each regular meeting. Issues for each sub-committee might include:

1. **Operations and Events**-review space usage policy revisions, review requests for space usage guideline exceptions.
2. **Programs and Marketing**-assist in selection/exhibition of public art, suggest promotions, identify programming ideas.
3. **Services and Administration**-review operating hour revisions, budget review, identify new services.

Other ad hoc committees may be developed on an as needed basis.

VIII-2 THE DIRECTOR OF UNIVERSITY UNION

A. The Director is the chief executive official of the Union. He/she is responsible for the operation of the Union building and its programs and activities and shall:

1. Coordinate all functions involving department facilities and their use.
2. Facilitate the establishment of UNCW University Union department goals and develop programs for their accomplishment.
3. Supervise staff members.
4. Serve in a non-voting, advisory capacity for all committees created by the UNCW University Union.

VIII-3 UNIVERSITY UNION & WARWICK CENTER FACILITIES

A. USE OF FACILITIES

1. Union facilities are reserved primarily for use by UNCW students, faculty and staff.
2. Director of the University Union or his/her representative is charged with determining whether the conduct of an individual or group is in compliance with university policies.
3. The Warwick Center's normal operating hours (when classes are in session, Fall and Spring semesters) are:
   a. Monday through Wednesday, 7 a.m.-midnight;
   b. Thursday, and Friday 7 a.m.-1 a.m.
   c. Saturday 10 a.m. - 1 a.m.
   d. Sunday, 1 p.m.-midnight.
4. The University Union's normal operating hours (when classes are in session, Fall and Spring semesters) are:
   a. Monday through Wednesday, 7 a.m.-midnight
   b. Thursday and Friday, 7 a.m.-1 a.m.
   c. Saturday, 10 a.m.-1 a.m.
   d. Sunday, 1 p.m.-midnight

B. RESERVATIONS

1. Conference rooms in the University Union and Warwick Center can be reserved by a registered campus organization, university department, or student, faculty or staff member for university functions on a "first come, first served" basis. The Union staff reserves the right to make substitutions in room reservations or move a group to another area subject to availability. Reservations can be made by visiting or calling the Reservations and Event Planning Coordinator in room 202, from 8 a.m. to 5 p.m., Monday through Friday.
2. The Reservations and Event Planning Coordinator must be notified of a cancellation no later than five (5) business days prior to the scheduled reservation. If a student organization neglects to cancel a reservation, the group will receive a letter from the Union administration office informing them of potential charges for future "no-shows".
3. The Union reserves the right to bill any organization or group for damages or losses which result from the use or misuse of facilities or equipment, including charges for additional janitorial service over and above normal cleaning of the area used. Groups will be charged for time staff is required outside normal operating hours of the Union (e.g., building manager before or after hours, additional janitorial staff, etc.). Fees will also apply when technical services assistance is given.
4. Catering arrangements can be made through Campus Dining by contacting the catering manager. With the scheduling of a large group affair, the sponsor will provide members to pick up any litter around the Union or Warwick Center and in the parking lots.
5. Any decorations to be used must be approved prior to the event date. Nothing shall be attached to the walls, with the exception of the fabric walls in the ballroom where thumbtacks can be used. All materials used at any event must be removed at the conclusion of the program. Use of candles in rooms must be approved by the Associate Director of Union Business Services.
7. The University Union will not be responsible for any losses or injuries suffered by any person as a result of a room reservation and/or the activities of the reserving organization.

VIII-4 STUDENT ORGANIZATION SPONSORED CAMPUS DANCES

A. Closed dances are for UNCW students and one invited guest. Open dances are defined as dances that meet the University Police Department's potential risk profile. Specifically, any dance that meets one of more of the following criteria:

1. Open to the general public

2. Has an expected attendance of 100 or more
3. Is done in conjunction with any program that addresses sensitive or volatile issues that may attract aggressive responses
4. Has experienced violent incidents in the past
5. The dance or participants present any level of potential threat to the University or its community members

Open dances must follow this policy.

The guest must be escorted and signed in by a UNCW student. All UNCW students must show their university identification and guest must present picture identification. UNCW students are responsible for the actions of their guest. Closed dances will end by 2 a.m. Organizations sponsoring closed dances must submit an event registration form 10 days prior to the event. (No other events should be scheduled in the Warwick Center when a dance is scheduled.)

B. The sponsoring organization must meet with the Reservations and Event Planning Coordinator and with University Police at least 10 working days prior to the date of the dance.

C. Dances will end by 2:00 a.m. but no one will be allowed to enter after 1:00 a.m. This ending time may be amended to 1:00 a.m. if the university experiences problems with ending at 2:00 a.m.

D. Advertising will be permitted off campus for student sponsored dances only if attendance guidelines are stated in each advertisement. Advertising on and off-campus must state that attendees must be 18 years of age or older with proper identification or must possess a valid UNCW ID.

E. Attendees must be 18 years of age or older and have proper ID or possess a valid UNCW ID.

F. Student organizations holding dances in the Warwick Center shall be responsible for the following (for other university facilities see Section VII):
   1. At least one representative of the organization must be present when the DJ or performer(s) arrive. Setup will not begin until an organizational representative is present.
   2. All representatives of the organization who are assisting with the dance shall be present for a pre-event meeting with University Police and building manager(s) one hour prior to the start of the dance.
   3. The organization shall have seven people on duty at all times during a dance. Those seven shall be at the dance site one hour before the dance is to begin to (a) review the policies, procedures, and regulations applicable to the dance; (b) review the schedule and assignments of organizational representatives at the dance; (c) and ensure that all organizational representatives are in attire identifiable to Warwick Center and University Police staff on duty (recommend

each person have same color shirt with identifiable insignia). Groups with less than seven organization members may augment their numbers with other students. The organization is, however, responsible for ensuring that seven people are available and working at the dance at all times. The sponsoring organization is responsible for the actions of their representatives at all times during the dance.

4. Parking Lot K will be an option to "G" Street if a staff member is present and University Police approve this option. The two students who are typically assigned to work "G" Street will be reassigned to sell tickets at the main entrance of the Warwick Center. Two people shall be assigned to monitor the doors on the north and west sides of the center and activity in the hallways and lobby. Two people will be "roamers" who will be responsible for checking restrooms and monitoring activities in the ballroom. Representatives should alert the building manager or police of any potential or actual problems. The sponsoring organization is responsible for making guests aware of and assisting in the enforcement of Warwick Center policies.
5. Organizations that cannot provide seven representatives or who do not have those representatives present within these guidelines may not be permitted to go ahead with the dance.
6. If, at any time during the event, conditions or situations exist that are in conflict with these guidelines, and these conditions or situations cannot be remedied, the building manager on duty, University Police, and/or the sponsoring organization shall, in consultation with the other parties, have the authority to close the dance.
7. An open dance may not be held in the Warwick Center when any other event is scheduled without advance consultation with University Police.

G. The University Union/Warwick Center will be responsible for the following:

1. Building managers will be present for a pre-event meeting with University Police and sponsoring organization representatives at least one hour prior to the event.
2. Building managers shall assist sponsoring organizations by being visible and observant throughout the dance and assuring the communication of problems and concerns to University Police and sponsoring organization representatives.
3. Building managers shall interpret policy and act accordingly in the absence of a professional staff member. A professional staff member of the Union department shall be on call when dances are held in the Warwick Center.
4. Building managers will be responsible for securing the building once the event has concluded.

H. University Police will be responsible for the following:

1. A University Police representative will be present one hour before the event to attend the pre-event meeting.
2. Officers will block Hamilton Drive at Riegel Road and direct event traffic to "G" Street. Officers will set up metal detectors at the entrance to the Warwick Center. Officers will be assigned to assist sponsoring organization representatives at the ticket sales point on "G" Street and in the parking lot. (These procedures may be changed by University Police due to other scheduled activities).
3. Officers assigned to "G" Street will support the event sponsors in checking ID's. Officers will assist persons deciding not to enter the event by directing them to areas where they can turn around and controlling traffic as necessary to allow exit. Officers will enforce violations of drug and alcohol statutes and discourage intoxicated persons from entering the event.
4. Incidents of a verbal nature (arguing): Sponsoring organization representatives should address minor incidents of arguing if possible. University Police should be notified of incidents that, in the opinion of the sponsoring organization representatives, cannot be quelled without police intervention. University Police will not, however, seek out organization representatives if the incident, in their professional opinion, requires police intervention.
5. Incident of a physical nature (fighting, vandalism, etc.): It is the role of the University Police to intervene with fights and acts of violence. If acts of violence occur, the sponsoring organization representatives, building managers and professional staff representative shall position themselves away from danger but maintain communication ability with at least one police officer and follow the instructions of that officer. While police officers are trained to deal with violent actions, events may unfold quickly and escalate at a rapid rate. If officers are not able to diffuse a situation quickly or the situation escalates rapidly, event sponsors should attempt to direct patrons to nearby exits and listen for police instructions. It is important to realize that officers are equipped to respond to these situations and that certain equipment may cause discomfort not only to combatants, but also to onlookers.
6. Officers will patrol the parking lot area directly following the event to facilitate clearing of the area.
7. The University Police will provide three officers at no charge to the sponsoring organization for the events held on Friday evenings. The organization will be charged for two officers. Events held on Saturday night will be charged at the normal rate in effect for the number of hours worked by five officers.

I. Student organization dances held in Wagoner Hall, Hawk's Nest and Madeline Suite:

1. Wagoner Hall, Hawk's Nest, and Madeline Suite should be used only if the Warwick Center facilities are unavailable. Use of these facilities is subject to the approval of the Director of Auxiliary Services.
2. For student organization sponsored dances held in Wagoner Hall, Hawk's Nest, and Madeline Suite, a staff advisor must be present.

J. Student organization sponsored dances held in Trask Coliseum and Hanover Hall:
1. All general policies outlined above will apply to dances held in these areas though specific responsibilities of student organization members during the dance will vary depending on the facility and the particular event. Student organization representatives shall obtain these specific duties through consultation with the Assistant Director of Athletics.

K. Solicitation guidelines as described in the *UNCW Code of Student Life* shall be applied to all dances where admission is charged or where money is collected in any way. The solicitation policy includes the completion of appropriate forms in the Campus Activities and Involvement Center.

L All student organization sponsored campus dances occurring in University Union facilities must have an approved event registration form on file with the Reservations and Event Planning Coordinator at least five working days before the scheduled dance. The Reservations Coordinator will provide the organization with the event registration form and provide guidance to the organization as they plan their function. All other student organization sponsored events and dances must be registered with and approved by the Campus Activities and Involvement Center.

All student organization sponsored campus dances occurring in University Union facilities must have an approved event registration form on file with the Reservations and Event Planning Coordinator at least 10 days before the scheduled dance.

M. The following general polices will be in effect for student sponsored dances.
1. Security needs for all events on the UNCW campus, including use of metal detectors, shall be determined through consultation between student event sponsors and the Chief of University Police.
2. The number of events requiring University Police per weekend (Friday - Saturday night) will be determined on an event-by-event basis through consultation between event sponsors and the chief of University Police. (As a general rule such events should be limited to one per weekend due to limited campus staff).
3. No dances will be permitted in the University Union, room 100.
4. Students, guests and other observers will not be permitted to gather in or around the entrance and exits of the facility, nor will they be permitted to gather in the parking lots, roads or any area adjacent to

the facility. Once a student or guest enters the dance, reentry is not allowed.

5. All facility user fees and security charges are the responsibility of sponsoring organization. Any organization with overdue bills will not be granted use of the facilities.
6. In order to allow all groups an opportunity to hold dances in the Warwick Center Ballroom, the Union will accept only two weekend dance reservations at a time from any one club or organization for each semester (Friday/Saturday nights). After the first scheduled dance has taken place, the group can then make additional dance reservation for that semester (resulting in any club or organization having only two dance reservations on the books at any one time during the semester).

N. Violation of any of these policies may lead to disciplinary action, including but not limited to, the barring of individual students, guests and/or organizations from participation in future activities of this nature.

UNIVERSITY POLICY

POLICY A
ALCOHOL
Policy Regarding the Possession and Consumption of Alcoholic Beverages on the Campus of the University of North Carolina Wilmington

I. PURPOSE
The University of North Carolina Wilmington permits alcohol to be consumed at special activities and programs and in the privacy of residence hall rooms.

There is no intent to encourage the increased use of alcoholic beverages or to force their consumption upon those who object to the use of alcohol on moral, ethical or religious grounds. This policy is designed to promote the positive, healthy use or non-use of alcoholic beverages in a responsible manner.

II. SCOPE
University policies concerning the possession and consumption of alcoholic beverages do not contravene federal, state, or municipal law regarding their purchase, possession or consumption.

III. PROHIBITED BEHAVIOR
A. Effective September 1, 1986, the North Carolina Alcoholic Beverage Control Laws made it illegal for any person under 21 years of age to purchase, possess or consume, or for anyone to aid or abet such a person in purchasing or consuming any alcoholic beverages.

B. Under no circumstances may any type of alcoholic beverages be sold by any person, organization or corporation on the campus of the university.

C. It is unlawful for any person to drink alcoholic beverages or to offer a drink to another person or persons, whether accepted or not, on any public road or street, parking lot, sidewalk or other publicly owned or leased place within the city of Wilmington.

D. Student fees collected by UNCW cannot be used to purchase alcoholic beverages.

E. Student events at which alcoholic beverages may be consumed can be held only under circumstances in which the host organization demonstrates reasonable means of ensuring the safety of participants and adherence to state law.

IV. GUIDELINES FOR UNIVERSITY EVENTS
Possession and consumption of alcoholic beverages at university events must adhere to the following guidelines.

A. Possession and consumption of alcoholic beverages on the university campus shall be restricted to the areas specified by the Dean of Students. Exceptions may be designated by the chancellor.
B. The use of alcoholic beverages at a campus event shall be subject to the approval of the chancellor.
    1. The UNCW Alcohol Beverage Permit and Statement of Responsibility must be filed with the Office of the Dean of Students seven (7) days prior to the event.
    2. The advisor to the sponsoring organization must be present for the entire event.
C. Alcohol must be served by the UNCW Food Service Contractor.
D. Alcoholic beverages may be used only as a complement to an event, not as the main focus.
E. Non-alcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.
F. A reasonable portion of the budget for the event shall be designated for the purchase of food items.
G. Consumption of alcoholic beverages is only permitted within the approved area designated for the event.
H. At least two people shall check every person entering an event for proof of legal drinking age. Only the following will be accepted as valid identification:
    1. Driver's license with picture.
    2. Driver's license without a picture along with both a Social Security card and another form of picture identification.
    3. Military identification card.
    4. Passport.
    5. Special identification card obtained from N.C. Department of Motor Vehicles. Persons of legal drinking age shall be given a nontransferable form of identification.
I. Alcohol shall not be served to those exhibiting unusual behavior or impaired speech or motor coordination when such behavior appears to be the result of substance abuse.
J. Alcohol will be discontinued one (1) hour before the event ends.
K. Failure to comply with conditions for alcohol consumption on campus will result in disciplinary action.

V. QUANTITY GUIDELINES

Alcohol Beverage Quantity Guidelines are designed in compliance with guidelines set forth by the National Institute on Alcohol Abuse and Alcoholism. These quantities are intended as a guide for persons purchasing alcohol for a function.

A. Beer—12 oz. per person per hour
B. Wine—4 oz. per person per hour

POLICY B
ALCOHOL MARKETING

Statement of Principles Regarding the Marketing of Alcoholic Beverages on the UNCW Campus

I. PURPOSE

Alcohol abuse poses a serious threat to the health and welfare of a large segment of the college student population through acts of vandalism and property damage, automobile and other types of accidents, lessening of academic performance, estrangement of social relations, and, in some cases, bodily injury, illness and death.

Inappropriate and irresponsible marketing and promotion of alcoholic beverages on campus can contribute to the problems of alcohol abuse. The development of campus policies which protect the health and welfare of college students is an important responsibility of the UNCW community. Institutional policies, practices and regulations should form the basis of a responsible approach to this area on campus.

II. GUIDELINES

The following guidelines are to govern alcohol marketing practices on the UNCW campus:

1. Alcohol beverage marketing programs specifically targeted for students and/or held on campus should conform to the *Code of Student Life* and state law. They must avoid demeaning sexual or discriminatory portrayal of individuals and/or groups.
2. Promotion of beverage alcohol should not encourage any form of alcohol abuse, nor should it place emphasis on quantity and frequency of use (i.e. "all you can drink").
3. Beverage alcohol (such as kegs or cases of beer) should not be provided as free awards to individual students or campus organizations.
4. No uncontrolled sampling as part of campus marketing programs should be permitted and no sampling or other promotional activities should include "drinking contests."
5. Promotional activities should not be associated with otherwise existing campus events or programs without the prior knowledge and consent of the Office of the Dean of Students.
6. Display or availability of promotional materials should be determined by the Office of the Dean of Students in consultation with the Chancellor's Advisory Board for Alcohol, Tobacco and Other Drug Use.

7. Informational marketing programs should subscribe to the philosophy of responsible and legal use of the products represented.
8. Beverage alcohol marketers will be encouraged to support campus alcohol education programs that encourage informed and responsible decisions about the use or nonuse of beer, wine or distilled spirits.
9. Beverage alcohol advertising on campus or in institutional media, including that which promotes events as well as product advertising, should not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual or academic success.
10. Advertising and other promotional campus activities should not associate beverage alcohol consumption with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.
11. Local off-campus promotional activities primarily directed to students should be developed in compliance with these stated guidelines.
12. Beverage alcohol marketers will not be permitted to promote their products on campus unless they agree to abide by the above marketing guidelines. The vice chancellor for student affairs, in consultation with the Chancellor's Advisory Board for Alcohol, Tobacco and Other Drug Use, will be responsible for implementing these guidelines.
13. Advertisement posting for any university event when alcoholic beverages are served shall note the availability of non-alcoholic beverages as predominantly as alcohol. Alcohol should not be used as an inducement to participate in a campus event.

Students or student organizations cited for a violation of UNCW alcohol policies will be subject to the provisions outlined in the *UNCW Code of Student Life* Section II-2.

POLICY C
ILLEGAL DRUGS

I. PURPOSE

The fundamental purpose of the University of North Carolina Wilmington (UNCW) is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. That environment is damaged by illegal drug use. Therefore, all members of the academic community, students, faculty, administrators and other university employees, share the responsibility for protecting the environment by exemplifying high standards of professional and personal conduct.

II. POLICY AND PROGRAM

A. The illegal use, possession, sale, delivery and/or manufacture of drugs will not be tolerated and may be grounds for immediate suspension or dismissal of students, faculty, administrators and other university employees.

B. UNCW policies and programs are intended to emphasize:
   1. The incompatibility of the use or sale of illegal drugs with the goals of the university.
   2. The legal consequences of involvement with illegal drugs.
   3. The medical implications of the use of illegal drugs.
   4. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.

C. UNCW provides a systematic substance abuse education and prevention program designed to reach all segments of the campus community. To assist in accomplishing this mission, CROSSROADS: Substance Abuse Prevention and Education Program, has developed a well-integrated, centralized program that is a focal point for campus substance abuse education, training and prevention, which monitors the effectiveness of programs for constituencies served. The Counseling Center provides substance abuse counseling and referral services for students and provides consultation to students, faculty and staff. The Counseling Center also consults with students, faculty and staff. This policy on illegal drugs is presented within the four areas of education, counseling and rehabilitation, enforcement and penalties and assessment.

III. EDUCATION

UNCW provides a program of education designed to help all members of the university community avoid abuse of illegal drugs. Education programs:

A. Provide a system of accurate, current information exchange on the health risks and symptoms of drug use for students, faculty and staff.

B. Promote and support institutional activity programming that discourages substance abuse.

C. Establish collaborative relationships between community groups and agencies and the institution for education, treatment and referral.

D. Provide training programs for students, faculty and staff to enable them to detect problems related to drug use, and to refer persons with these problems to appropriate assistance.

E. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.

F. Support and encourage faculty in incorporating education about drugs into the curriculum where appropriate.

G. Develop a coordinated effort across campus for drug related education, treatment and referral.

IV. COUNSELING AND REHABILITATION

A. UNCW provides information about drug counseling and rehabilitation services to members of the university community. Persons who voluntarily avail themselves of university services can be assured that applicable professional standards of confidentiality will be observed. Counseling and rehabilitation services include:

1. Training for professional staff and student staff on drug abuse information, intervention and referral.
2. Education programs for students who have demonstrated abusive behavior with drugs.
3. Assessment, counseling and referrals for students.
4. Consultation, information and referrals for students, staff and faculty.

B. In providing the above strategies, it is recognized that some campus constituents may prefer professional assistance external to the campus. Therefore, CROSSROADS: Substance Abuse Prevention and Education Program will collaborate with the Counseling Center in the development of appropriate referral mechanisms for these individuals. A listing of off-campus resources for assistance and referral is available for those who choose that option. In the development of this program, it is desired that faculty, students, administrators and other employees be comfortable in the manner in which they are served and have a choice in the selection of appropriate assistance. Individuals served in the Counseling Center on campus can be assured that applicable confidentiality will be maintained.

V. ENFORCEMENT AND PENALTIES

A. ENFORCEMENT

In seeking to enforce established university policy, the University of North Carolina Wilmington will:

1. Publicize all drug policies.
2. Consistently enforce drug policies.
3. Exercise appropriate disciplinary action for drug policy violations.

B. PENALTIES

UNCW shall take actions necessary, consistent with state and federal law and applicable university policy to eliminate illegal drugs from the university community. University policy on illegal drugs is publicized in the university catalog, student and faculty handbooks, student orientation material, letters to students and parents, residence hall meetings and faculty and employee meetings.

Students and faculty members, administrators and other employees are responsible as citizens for knowing about and complying with the provisions of the North Carolina law that makes it a crime to possess, sell, deliver or manufacture drugs designated collectively as "controlled

substances" in Article V, Chapter 90 of the North Carolina General Statutes (see State Law I). Any member of the university community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by UNCW. It is not "double jeopardy" for both the civil authorities and the university to proceed against and adjudicate a person for the same specified conduct. The university will initiate its own disciplinary proceedings against the student, faculty member, administrator or other employee when the alleged conduct is deemed to affect the interest of the university.

Penalties will be imposed by UNCW in accordance with procedural safeguards applicable to disciplinary actions against students (see *Code of Student Life*, Section II), faculty members (see *Policies of Academic Freedom and Tenure*, UNCW, Section VII), and administrators and other employees (see *Procedure No. PER 6.10* and *Personnel Policies for Designated Employment Exempt from State Personnel Act - EPA Administrative Positions*)[2].

The penalties to be imposed by the university may range from written warning with probationary status to expulsion from enrollment and discharge from employment; however, the following minimum penalties shall be imposed for the particular offenses described.

1. ***TRAFFICKING IN ILLEGAL DRUGS***
    a. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver any controlled substance identified in Schedule I, North Carolina General Statutes 90-89, or Schedule II, North Carolina General Statutes, 90-90 (including, but not limited to heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), any student shall be expelled and any faculty member, administrator or other employee shall be discharged.
    b. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver any controlled substance identified in Schedules III through VI, North Carolina General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, phenobarbitals, codeine), the minimum penalty shall be suspension from enrollment or from employment1 for a period of at least one semester or its equivalent. For a second offense, any student

[2] Rules of the State Personnel Commission govern the disciplinary actions that may be taken against SPA employees. Under current commission regulations discharge, rather than suspension, is the applicable penalty for SPA employees in those instances where this policy otherwise requires suspension.

shall be expelled, and any faculty member, administrator or other employee shall be discharged.

2. ***ILLEGAL POSSESSION OF DRUGS***

   a. For a first offense involving the illegal possession of any controlled substance identified in Schedule I, North Carolina General Statutes 90-89, or Schedule II, North Carolina General Statutes 90-90, the minimum penalty shall be suspension from enrollment or from employment[2] for a period of at least one semester or its equivalent.

   b. For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, North Carolina General Statutes 90-91 through 90-94, the minimum penalty shall be probation for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or employment[2] for any unexpired balance of the prescribed period of the probation.

   c. For the second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators and employees.

3. ***SUSPENSION PENDING FINAL DISPOSITION***

   a. When a student, faculty, administrator or university employee has been charged by UNCW with a violation of policies concerning illegal drugs, he/she may be suspended from enrollment and/or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor, or in the chancellor's absence, the chancellor's designee, concludes that the person's continued presence within the university community would constitute a clear and immediate danger to the health or welfare of other members of the university community; provided that, if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

VI. ASSESSMENT

A. UNCW shall in its effort to continually assess the campus environment:
    1. Appraise the institutional environment as an underlying cause of drug abuse.
    2. Assess campus awareness, attitudes and behaviors regarding the use of drugs and employ results in program development.
    3. Collect and use drug related summary information from police and security reports to guide program development.
    4. Collect and use summary data regarding health, counseling and client information to guide program development.
    5. Collect summary data regarding drug related disciplinary actions and use it to guide program development.

B. Annually, the chancellor shall submit to the Board of Trustees a report of campus activities related to illegal drugs for the proceeding year. The report shall include the following:
    1. A listing of major education activities conducted during the year;
    2. A report on any illegal drug related incidents, including any sanctions imposed;
    3. An assessment by the chancellor of the effectiveness of the campus program; and
    4. Any proposed changes in university policy on illegal drugs.

The chancellor shall provide a copy of this report to the President.

POLICY D
HARASSMENT PREVENTION POLICY

I. PURPOSE

The university affirms its desire to maintain a work environment for all employees and a learning and living environment for all students that is free from all forms of harassment. The university is committed to ensuring that all students, faculty, staff, and administrators are treated with dignity and respect. Harassment is highly detrimental to an environment of mutual respect that must prevail if the university is to fulfill its goals. All members of the university community have an obligation to learn what behaviors constitute harassment, to be responsible for their own behavior, and to cooperate in creating a climate where harassment is not tolerated. This policy shall be applied in a manner that protects the academic freedom and freedom of expression of all parties.

II. SCOPE

A. Harassment based on race, color, religion, creed, sex, national origin, age, disability, sexual orientation or veteran status is a form of discrimination in

violation of federal law, state law, and/or university policy, and will not be tolerated.

B. Retaliation against any person complaining of harassment or any person who is a witness to harassment is in violation of the law and this policy and is grounds for appropriate disciplinary action.

C. The university will respond promptly to all complaints of harassment and retaliation whether the behavior is communicated physically, verbally, in print, via the Internet or through other means. When necessary, the university will institute discipline against the offending individual, which may result in a range of sanctions, including but not limited to the following: for students - warning, disciplinary probation, or suspension; and for employees - warning, suspension without pay, or dismissal.

D. The university considers the filing of intentionally false reports of harassment as a violation of this policy and grounds for appropriate disciplinary action.

E. Disciplinary action for violations of this policy by students will be the responsibility of the Office of the Dean of Students; Disciplinary action for violations of this policy by employees will be the responsibility of the pertinent senior officer in the employee's division, after consultation with the university's equal employment opportunity/affirmative action officer, an in accordance with applicable procedures.

III. PROHIBITED CONDUCT

A. Harassment is unwelcome conduct, based on race, color, religion, creed, sex, national origin, age, disability, veteran status or sexual orientation that is either a condition of working or learning ("quid pro quo") or creates a hostile environment.

B. Quid pro quo harassment consists of unwelcome conduct when:
   1. Submission to such conduct is made either explicitly or implicitly a term or condition of an individual's employment, employment decisions, academic standing or receipt of a needed or legitimately requested university service or benefit; or
   2. Submission to, or rejection of, such conduct by an individual is used as basis for decisions affecting such individual in matters of employment, employment decisions, academic decisions (such as grades) or receipt of a needed or legitimately requested university service or benefit.

C. Hostile environment harassment consists of unwelcome conduct when:
   1. Such conduct has the purpose or effect of unreasonably interfering with an individual's work, academic performance, or living environment; or
   2. Such conduct has the purpose or effect of creating an intimidating, hostile or offensive working, learning or living environment.

D. Hostile environment harassment is determined by looking at all of the circumstances, including the frequency of the allegedly harassing conduct

and its severity. A single, serious incident may be sufficient to constitute hostile environment harassment.

E. Retaliation is conduct causing any interference, coercion, restraint or reprisal against a person complaining of harassment or participating in the resolution of a complaint of harassment.

IV. REPORTING

The university encourages reporting of all perceived incidents of harassment, regardless of who the alleged offender may be. Individuals who either believe they have become the victim of harassment or have witnessed harassment are to utilize the Harassment Resolution Procedures.

POLICY E
HARASSMENT RESOLUTION PROCEDURES

I. PURPOSE

These procedures are intended to provide for the prompt an equitable resolution of harassment. These procedures apply to all university students, agents, and employees, including full and part-time students, graduate and undergraduate; and full, part-time and temporary employees, including faculty, EPA professionals and SPA employees, as well as visitors. The university recognizes that there are multiple avenues for resolving harassment concerns, from informal means and mediation to formal investigations. The university encourages individuals who believe that they are the subject of harassment to report incidents in accordance with these procedures.

II. CONFIDENTIALITY

The university shall protect the privacy and confidentiality of individuals both reporting and individuals who are alleged to have harassed to the extent allowed by law. However, once a university official has actual knowledge of allegations which may be serious enough to constitute a violation of the university's harassment prevention policy, the university's legal obligations require it to investigate under the formal procedures described below in Sections VII or VIII. If an individual desires complete confidentiality and does not want such an investigation, he or she should consult with individuals, who by law have special professional status, such as mental health counselors, physicians, clergy, or private attorneys.

III. ADMINISTRATIVE RESPONSIBILITY

Vice chancellors, deans, directors, department chairs, or supervisors who become aware of specific allegations of harassment, must report the allegations promptly either to the Human Resources Director/Equal Employment

Opportunity/Affirmative Action Officer ("EEO/AA officer") or the Dean of Students, as appropriate based on the status of the alleged offender.

IV. RETALIATION PROHIBITED

Any act by a university employee, agent, or student of reprisal, interference, restraint, discrimination, coercion or harassment against any person using these procedures shall constitute a policy violation and shall be subject to prompt and appropriate disciplinary action.

V. OTHER REMEDIES

A. The existence of these procedures does not prohibit individuals from also filing claims under Title VII (Civil Rights Act of 1964) with the Equal Employment Opportunity Commission or under Title IX (Education Amendments of 1972) with the Office of Civil Rights, U.S. Department of Education.

B. SPA employees may file a grievance under the Unlawful Workplace Harassment section of the SPA Grievance and Appeal Policy. This is the required procedure for SPA employees who desire to maintain their appeal rights through the Office of Administrative Hearings of the State Personnel Commission. To use this procedure, the SPA employee must submit a written grievance to Human Resources within thirty (30) calendar days of the alleged harassment. SPA employees who do not submit a written grievance to Human Resources within this time frame may still utilize the formal resolution procedures for resolving their concerns as stated below but will not have the option of later appealing to the Office of Administrative Hearings or using any other university appeal procedures.

VI. INFORMAL RESOLUTION

A. In deciding whether to pursue informal means, including mediation, the affected individual is encouraged to seek the assistance of representatives in the Office of the Dean of Students, Housing and Residence Life staff, Student Health Services, the Counseling Center or Human Resources. These offices are available to assist the affected individual in crafting the message to send to the offending individual, as well as recommending other informal mechanisms and setting up mediation. Whichever office the affected individual elects to discuss his/her concerns with, the issue of confidentiality should be addressed before specific facts or identities are disclosed due to the university's legal obligations to investigate all allegations that may constitute harassment as defined in the university's harassment prevention policy.

B. Harassment concerns may be resolved through a variety of informal mechanisms, including but not limited to the following:

1. Telling the alleged offender his or her behavior is unwelcome and must stop.
2. Asking for an apology and a commitment that the behavior will stop.
3. Sending a copy of the university's harassment prevention policy to the alleged offender.
4. Writing to the alleged offender regarding the conduct, pointing out the effects of such behavior, and explaining the behavior change desired.
5. Having the pertinent supervisor to counsel the alleged offender about appropriate behaviors and conduct expectations.
6. Seeking to mediate the concern.

VII. FORMAL RESOLUTION: STUDENT INITIATED HARASSMENT

Complaints about students must be presented to the Office of the Dean of Students. The Dean of Students, or designee, shall investigate and take appropriate disciplinary action commensurate with the severity and/or frequency of the conduct. Discipline resulting from student harassment shall be taken in accordance with the procedures provided in The Code of Student Life.

VIII. FORMAL RESOLUTION: EMPLOYEE OR OTHER NON-STUDENT INITIATED HARASSMENT

A. A complaint must be presented within ninety (90) calendar days of the alleged harassing incident to the EEO/AA officer. If filed later than ninety calendar (90) days, the EEO/AA officer may extend the time limit based on extenuating circumstances and at his/her sole discretion. If the allegations are against the EEO/AA officer, the complainant may present the complaint to the general counsel for investigation and resolution.

B. Complainants are not required to provide a signed, written statement describing their complaint; though such documentation is strongly encouraged. If the complainant conveys the allegations verbally, the EEO/AA officer, or designee, shall document the complaint and have the complainant review and sign the documentation to indicate that it is accurate and complete.

C. Depending on the nature and severity of the allegations, the university may be obligated to investigate a complaint of harassment without a signed, written statement once the university has actual notice of possible harassment. Under Title IX, the university is legally obligated to take prompt and remedial measures to end harassment of a student, even if the student does not make a complaint or otherwise requests action to be taken.

D. The EEO/AA officer, or designee, shall determine whether the allegations fall within the scope of the university's harassment prevention policy. If the

determination is that the policy is implicated, the EEO/AA officer, or designee(s), shall investigate promptly.

E. At a minimum, the investigator(s) shall provide for an interview of the complainant and the respondent. Witnesses should also be interviewed, and any relevant documentary evidence shall be reviewed. The investigator(s) shall take notes of all individuals who are interviewed. The investigator(s) shall instruct individuals that retaliation is prohibited and is a violation of university policy and the law. The individuals shall also be instructed about the confidentiality and privacy parameters of the investigation.

F. Both the complainant and the respondent may be accompanied when interviewed by another member of the university community, so long as the individual does not interfere with the interview. This person's role is simply as an observer. Representation by legal counsel during the interview is prohibited.

G. Upon completion of the investigation, the investigator(s) shall prepare a written report of the factual findings and a conclusion about whether a policy violation has been committed. The EEO/AA officer shall forward the report to the pertinent senior officer in the unit where the respondent is employed.

H. In the event that a violation of the university's harassment prevention policy is found, the pertinent senior officer shall determine the appropriate disciplinary action, in consultation with the EEO/AA officer, and in accordance with the appropriate disciplinary procedures pertaining to the affected individual (e.g. Section 603 of the Code of the Board of Governors for imposition of serious sanctions against a faculty member; SPA Grievance Procedure; or EPA Grievance Procedure). Any prior violations of the harassment prevention policy involving the respondent shall be considered in any disciplinary action.

I. The complainant and the respondent shall be informed immediately when the investigation is completed. Results of the investigation, the report, and any subsequent disciplinary action shall be kept confidential to the extent allowed by the Family Educational Rights and Privacy Act ("FERPA") and the North Carolina Personnel Records Act.

IX. RECORD KEEPING

A. The Human Resources Office shall retain all records of the investigation in a confidential file.

B. The EEO/AA officer and the Dean of Students shall provide statistics on an annual basis to the chancellor of the number of incidents that have been investigated under the formal resolution procedures.

X. APPEAL PROCEDURES

A. The grounds for appeal by the complainant or the respondent may be for only these reasons:

1. The harassment is ongoing;

2. The remedy was not implemented;
3. Material procedural irregularities occurred during the investigation; or
4. New evidence has been discovered that had not been available during the investigation

B. Dissatisfaction with the university's conclusion from the formal resolution procedures is not grounds for an appeal. Appeals of any disciplinary action must be taken in accordance with the SPA grievance procedures, the EPA grievance procedures, or Section 603 of the *Code of the Board of Governors*, as appropriate.

C. A written appeal statement must be filed within thirty (30) calendar days after notice that the investigation has been completed. The statement must be sent to the EEO/AA officer.

D. Appeal statements must include a copy of the original complaint, a summary of efforts to resolve the harassment, and the grounds for the appeal.

E. The pertinent vice chancellor, or designee, shall review the appeal with the EEO/AA officer and make a decision. The decision must be in writing and sent to the complainant in a matter which ensures receipt. This decision constitutes a final university decision.

POLICY F
SEXUAL ASSAULT

I. PURPOSE

The university takes all forms of sexual violence very seriously. In order to provide a safe campus community within which all members are valued and respected, policies and procedures for addressing sexual violence have been established and are detailed in the following pages. Acts of sexual violence carried out by and/or against university community members will not be tolerated and are punishable under university policies and North Carolina law.

II. SERVICES

To appropriately address sexual violence, the university provides comprehensive services including:

- Educational programs, awareness events and print and video resources addressing a variety of topics related to sexual violence.
- Policies addressing sexual assault behaviors.
- Counseling and intervention services for those who have been assaulted or who have concerns regarding sexual violence.
- Referral to off-campus agencies that provide services for persons who have been sexually assaulted.
- Procedures for assisting persons who have been sexually assaulted in obtaining medical and counseling services.

- Procedures for campus judicial action when persons who have been assaulted wish to pursue campus disciplinary action against the assailant.
- Procedures for assisting persons who have been sexually assaulted in pursuing criminal action against their assailants.

III. DEFINITION OF TERMS

For the purpose of this policy, the terms "sexual violence" and "sexual assault" are used interchangeably.

- ***Sexual Assault***
  Any attempted or actual sexual activity that is unwanted or nonconsensual including oral or anal penetration, sexual touching, fondling, rape and a variety of other acts. Sexual assault is a crime under North Carolina law.
- ***Rape***
  Under North Carolina law is defined as:
  1. Vaginal intercourse
  2. By force
  3. Against a person's will
- ***Stranger Rape***
  Rape in which the victim does not know the rapist. This type of rape occurs the least often of the three types listed here, but is the one most often reported.
- ***Acquaintance Rape***
  Rape in which the victim knows or is acquainted with the rapist. Also called "date rape" when the victim is or has been dating the rapist. Ninety percent of college rapes occur between people who know each other. This type of rape occurs the most often, but is least often reported.
- Gang Rape
  Rape in which there are two or more rapists involved.

Other definitions regarding what sexual assault is are necessary to ensure that the university policies are clearly understood.

1. Any sexual behavior to which all persons involved do not clearly, verbally, and freely consent **may** be considered sexual assault or sexual violence.
   Note:
   a. Any sexual behavior in which a person engages because of coercion, threats, emotional or verbal abuse, physical force or threat, intimidation, intoxication or other instances in which consent CANNOT be freely given constitutes sexual assault.
   b. A person who is impaired because of their use of alcohol or other drugs is assumed to be unable to give consent.
   c. Consent requires that the person has:

- Adequate and correct information for decision-making,
- The power to freely choose and
- The freedom to have their choice respected by others.

2. Behaviors that are considered sexual assault and which can result in criminal, civil or campus judicial action include (but are not limited to) any of the following to which all parties involved **do not** or **cannot** freely consent (as defined above) are:
   - Any touching of a sexual nature
   - Penetration of the vagina by the penis (the definition of "rape" according to North Carolina law)
   - Any sexual activity with a person who is too impaired by alcohol or other drugs to meet the above definition of consent
   - Any sexual activity with a person who is mentally defective, mentally incapacitated or physically helpless
   - Oral, anal or vaginal penetration with the penis, fingers or any object
   - Any sexual behavior with a person under the age of 16 (according to North Carolina law)

IV. REPORTING POLICY VIOLATIONS

If you are raped or sexually assaulted:

1. Get to a safe place, one that is well-lit and where there are other people, preferably people you know and trust.
2. Do not bathe, douche, brush your teeth, drink, change clothing or even comb your hair before seeking medical attention. It is only natural to want to do so, but you may be destroying physical evidence that could be needed later if you decide to prosecute.
3. Call for help! People who care and who will provide you with support and information are available 24 hours a day at the Rape Crisis Center at 392-7460. Or, call the UNCW Counseling Center at 962-3746. Staff members at both centers can help you consider your reporting options and decide what to do next.
4. To report the assault, call University Police at 962-3184 or ext. 4911 on-campus. Reporting does not mean that you have to prosecute. See the next section for more on reporting options.
5. Get immediate medical attention. You may have injuries of which you are unaware.
6. If you wish, call a friend, family member, or other trusted person to be with you.

V. REPORTING ALTERNATIVES

It is important to report ANY sexual assault. To do so does not obligate a person to prosecute their assailant. There are several ways to take action-

Anonymous Notification

Adjudication through the UNCW University Judicial System

Criminal Prosecution

In any case, we recommend that victims report the crime to the University Police or local law enforcement officials as soon as possible to ensure proper evidence collection and investigation. This will be of great importance should the person choose later to prosecute. Reporting options may be discussed with any of the university resources listed under "Filing an Anonymous Notification" later in this policy.

- **Anonymous Notification**
  An anonymous notification may be filed with any of the university resources listed in Part II below In this notification, your identity will remain anonymous. By using this reporting option, you can provide the university or law enforcement agencies with important information that may prevent other assaults or may alert police and others to specific high risk areas while maintaining your anonymity.
- **UNCW University Judicial System**
  Whether or not you choose to pursue criminal prosecution, if the assailant is a UNCW student, you may file a report through the UNCW Campus Judicial System. A hearing will be conducted by an administrative hearing officer, Campus Judicial Board or the Committee on Problem Admissions and Extraordinary Disciplinary Emergencies. If the assailant is found responsible, sanctions can range from probation to suspension from the university. For more information, contact the Office of the Dean of Students, Room 214 - University Union, 962-3119.
- **Criminal Prosecution**
  If you decide to pursue formal prosecution, local law enforcement officials will need assistance in identifying and apprehending the assailant. Information concerning the time and location of the assault, as well as a complete description of the assailant (if possible) will be important. The more information and details you can provide, the better the chances of identification and prosecution. If the assailant is identified, the New Hanover County District Attorney's Office will determine if there is sufficient evidence to prosecute. Be aware that your past sexual history cannot be discussed except for past relations with the assailant.

PART II

I. UNIVERSITY RESPONSE TO A SEXUAL ASSAULT REPORT

The university takes all incidents of sexual violence very seriously. Persons who have been assaulted are encouraged to report the incident to someone, whether it is a friend, parent, spouse, counselor or any other trusted individual. This is an important step in the healing process.

The university also encourages those assaulted to report the incident to university or local law enforcement officers or to university administrators.

Reporting the assault does not automatically require prosecution. To request that the case be adjudicated, either through the campus judicial system or through the criminal or civil justice system, is a decision that only the person assaulted can make. Even if that person chooses not to pursue charges against the assailant, reporting the incident enables the university administrators to have a clearer understanding of what our students are experiencing and what services are needed.

II. FILING AN ANONYMOUS NOTIFICATION

Designated university employees are required by law to notify University Police of any alleged sexual assault that occurs on designated university property. This is only a notification that an incident has occurred. However, information shared with counselors in the Counseling Center will not be forwarded, unless the victim consents, because confidentiality laws protect information shared with these staff members. The university member to whom the report is made will aid the person reporting in obtaining care and assistance.

University Resources

UNCW University Police	4911 or 962-3184
UNCW Counseling Center	962-3746
Student Health Center	962-3280
Office of the Dean of Students	962-3119
Housing and Residence Life	962-3241

Local Resources

Wilmington City Police	Emergency 911 or 343-3600
Rape Crisis Center	392-7460
Domestic Violence Shelter	343-0703
Sheriff's Department	341-4200
Wilmington Health Access for Teens	790-9949
New Hanover Regional Medical Center	343-7799
Cape Fear Memorial Hospital	452-8100

An Anonymous Notification contains information required by state and federal law, and in compliance with the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act. The Anonymous Notification is then forwarded to University Police where it is filed and used for compiling the *University Police Department Yearly Report.*

III. USE OF ASSAULT NOTIFICATION INFORMATION

Anonymous information regarding sexual assaults is used for compiling the *University Police Department Yearly Report* in accordance with state and federal law and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act.

IV. PURSUING LEGAL AND/OR JUDICIAL ACTION

1. The university cannot initiate disciplinary/judicial or criminal action unless the person who has been assaulted chooses to do so even if the alleged assailant is named in the Anonymous Notification.
2. If you are interested in pursuing legal action, you should contact University Police at 962-3184, emergency 4911. University Police will also discuss other options that include, but are not limited to, confidentiality issues and judicial action through the Office of the Dean of Students.
3. Statement of the Right of Victims of Sexual Violence Who Pursue Campus Judicial Action.
    - The right to have a person or persons of her/his choice to accompany her/him throughout the disciplinary hearing.
    - The right to remain present during the entire proceeding, excluding deliberation.
    - The protection afforded by NC Shield Law in effect at the time of the hearing, currently codified as NCGS8 C-1, Rule 412 (1983).
    - If the accused is found in violation of the *Code of Student Life,* the victim has the right to make a "victim impact statement" and to suggest an appropriate penalty.
    - The right to be informed immediately of the outcome of the hearing.
    - The victim may request of the Office of the Dean of Students a change in living arrangements.

POLICY G
RESPONSIBLE USE OF ELECTRONIC RESOURCES

I. PURPOSE

The electronic resources of the University of North Carolina Wilmington are powerful tools shared among all members of the campus community, designed to support the teaching, learning, instructional, research, administrative, service, and other activities of the university and are intended to be used in useful and productive ways. Individuals using these resources are expected to do so wisely and carefully, with respect and consideration of the rights, needs and privacy of others. Electronic resources and the data they support are used by and accessible to a large number of authorized users. However, since these are typically networked resources they are also subject to unauthorized intrusion, access and attack. It is essential, therefore, that all users understand and follow guidelines concerning authorized and responsible use. These guidelines are designed to preserve and protect users, their data and other assets, the university, and the

electronic computing and communication systems themselves, and are set forth below.

II. RISKS AND USER BEHAVIORS

While the proliferation of information technologies does not alter basic codes of behavior in academic life, it does place some issues in new contexts. Using these technologies enables people to do varied things more easily, including those that are useful and constructive as well as those that are harmful and destructive.

Electronic computing and communication technologies increase the risks of actions, deliberate or not, that are harmful in various ways, including: (a) interference with the rights of others; (b) violation of the law; (c) interference with the mission of the university; or (d) endangering the integrity of the university's computer and communication networks.

Users must act prudently and responsibly to both preserve the freedom to acquire and share information and to sustain the security and integrity of individuals within the community. Access to electronic resources at UNCW is a privilege, not a right, and must be treated as such by all users of these resources. Every user is responsible for the integrity of these information resources. All users must respect the rights of other computer users, respect the integrity of the physical facilities and controls, and respect all pertinent license and contractual agreements related to electronic resources.

Users must also understand the ramifications of illegal use, exchange, or display of copyrighted, deceptive, defamatory, or obscene materials on a webpage or through other electronic communication channels. It is the policy of the University of North Carolina Wilmington to promptly process and investigate notices of alleged copyright infringement and take appropriate actions under the Digital Millennium Copyright Act, Title 17, United States Code, Section 512 ("DMCA").

All users shall act in accordance with this policy and all relevant university policies, rules and regulations, including adherence to all relevant local, state and federal laws and regulations. Failure to conduct oneself in compliance with appropriate policies and guidelines may result in denial of access to university information systems and/or other disciplinary actions, up to and including dismissal, suspension, expulsion or termination, in accordance with appropriate university policy rules and regulations.

Accepting any account and/or using UNCW electronic resources shall constitute an agreement on behalf of the user or other individual accessing such information systems to abide and be bound by the provisions of this policy and the principles and guidelines contained herein.

III. PRINCIPLES & GUIDELINES RELATED TO INAPPROPRIATE USE

UNCW has instituted policies dealing with specific actions in a number of areas. These are listed below. As a matter of principle, users should act prudently and responsibly in the use of electronic resources, and are prohibited from engaging in activities including, but not limited to those generally described in the following categories:

1. Harassing or threatening a specific individual(s). Users may not use electronic communication to harass, stalk, or threaten others, or in similar ways create an atmosphere which unreasonably interferes with the education or employment experience. Generally, communication that contains abusive, offensive or intimidating language and is repeated, unsolicited, unwanted or unwelcome may constitute harassment. This would include, but not be limited to, posting, transmitting, or originating any unlawful, threatening, abusive, hostile, fraudulent or defamatory communication, or any communication where the message, or its transmission or distribution, would constitute or would encourage conduct that would constitute a criminal offense, give rise to civil liability, or otherwise violate any local, state, national, or international law or violate other policies, rules and regulations of the university. Information that is defamatory is defined as provably false, unprivileged statements that do demonstrated injury to an individual's or business's reputation.
2. Impeding, interfering with, impairing, or otherwise causing harm to the activities of others.
3. Downloading, or posting to university computers, or transporting across university networks, material that is illegal, proprietary, in violation of other university policies and procedures, regulations or contractual agreements, or is otherwise damaging to the institution.
4. Using university or campus logos, word marks, service marks, or other symbols of the university or campus on personal or professional home pages.
5. Creating pages which contain direct links to pages that violate this policy (in this case, users may be requested to deactivate links to materials that violate this policy).
6. Damaging, abusing, or in other ways destroying or interfering with the successful operation of electronic resources. Users must take care not to engage in activities that without proper authorization:
   (a) Overload the computing systems and systems and networks, such as excessive use of processor time, data storage, or bandwidth, or activities which otherwise impair or negatively impact performance and availability,
   (b) Interfere with, disable, damage, obstruct, or in a similar manner impede the normal function and accessibility of computer or

communication systems, or computer data, files and other information;

(c) Waste or hoard computer or network resources in ways that interfere with the operation of the system or its availability to others;

(d) Attempt the unauthorized connection, removal or modification of computer or communication devices;

(e) In any way physically abuse, damage, or destroy computing or communication systems, data or facilities;

(f) Disseminating or launching any executable program designed to damage systems or data, or place excessive load on a computer or network affecting its performance of availability.

7. Accessing or attempting to access, use, or modify resources or data for which authorization has not been granted. Access to these electronic information systems is a privilege, not a right, and must be treated as such by all users of these systems. All users must respect the rights of other computer users, and take care in acting responsibly to safeguard the security and confidentiality of electronic resources, information, and similar assets.

8. Engaging in activities that are illegal under federal, stated, local and other applicable laws.

9. E-Mail Abuse

Users are prohibited from engaging in activities involving e-mail that violate this policy or cause harm to resources and to other users. Among the activities prohibited under this policy are:

a. Sending frivolous or excessive messages, including junk mail, "spamming", "chain letters", and other types of unsolicited messages.

b. Sending unauthorized broadcast or mass e-mail messages (see website – Mass E-Mail Policy).

c. Interfering with the normal operation and availability of electronic communication systems and services such as e-mail.

Users are also referred to the UNCW Mass E-Mail Policy for guidelines on the authorized use of e-mail for the dissemination or information to the university community at large.

Users should contact the ITSD Technology Assistance Center or their local IT computing consultants for information concerning methods of protecting themselves from e-mail abuse. In many cases, users should contact the originator of actions and messages which they believe inappropriate to express their concerns and to request that the unsolicited and unwelcome actions are stopped. This is especially useful for e-mail messages and similar activities for which there may ultimately be no intended harm. If the user is

unsuccessful in having such activities discontinues, and in more serious cases where activities are observed that are believed to be illegal, in violation of university policies, or that will result in harm or damage to users, data, or computing and communication systems, those activities should be reported following the procedure outlined in "Addressing Concerns" below.

The full text explaining the principles noted above is accessible through UNCW's Institutional Technology Systems Division website at http://www.uncw.edu/sp/admproc/Its100.htm.

10. Illegal P2P or Peer-to-Peer file sharing. This includes illegal file sharing that takes place with or without a "sharing" agent or software.

IV. USER RESPONSIBILITIES & CONSEQUENCES OF MISUSE

The university reserves the right to place restrictions on the use of its electronic resources in response to complaints that present evidence of violations of university policies, rules, regulations or codes, or local, state or federal laws and regulations. Actions that violate these policies can result in immediate disabling, suspension, and/or revocation of the account owner's privileges pending review for further action. Such unauthorized or illegitimate use of electronic resources including computer accounts, resources or facilities may subject the violators to appropriate disciplinary, criminal and/or legal action by the university and/or the state. If evidence is established, the university authorities responsible for overseeing these policies and codes will be consulted on the appropriateness of specific actions.

Individuals who have concerns about the conduct of a member of the university community or the propriety of a given situation or activity should notify their department chair, dean, director, or an administrator in their supervisory chain at a level sufficient to allow objectivity in evaluating the subject of concern. If action is deemed warranted by this official, the matter shall be referred to the appropriate vice chancellor or senior officer. Prior to taking action, the vice chancellor or senior officer responsible for the situation or activity at issue shall consult with the vice chancellor for ITSD, who shall, as appropriate, consult with University Counsel. The responsible official shall then respond to university community members who express concerns about such activities or incidents, and shall inform the chancellor regarding their response.

When concern about a given situation or activity involves an imminent threat to individuals, systems, or facilities, users should immediately communicate the concern directly to the Office of the Vice Chancellor for Information Technology Systems and to University Police.

The UNCW e-mail address is the official address for student electronic communications. Students assume full responsibility for the decision to forward e-mail and any failure to receive e-mail communications due to an alternative e-mail service does not necessarily constitute a defense for failure to respond. While e-mail is an official method of communication, it is not the only official method of communication and does not exclude alternate methods such as written or oral communication.

Users are responsible for all use of their computer account(s). They should make appropriate use of the system and network provided protection features and take precautions against others obtaining access to their computer resources. Individual password security is the responsibility of each user. Users should respect the policies of external networks and remote sites and only use facilities for which they have been authorized.

Users may not supply false or misleading data, nor improperly obtain another's password, in order to gain access to computers or network systems, data or information.

For the computers and network systems, all access privileges - including all accounts, user IDs, network IDs, telephone codes, and any other such access codes - are granted for exclusive and individual use of the individual to which they are assigned. Users may not allow or facilitate access to university computer accounts, equipment, restricted files or systems by others.

When the user's relationship with the university is terminated, he or she shall be denied further access to university computing resources. Authorized use also terminates unless extended by an appropriate university official.

The full text of these and related policies, including information regarding enforcement is accessible at the UNCW Policies page under the Information Technology Systems link at: www.uncw.edu/policies .

POLICY H
AIDS/HIV

I. PURPOSE

These policy guidelines reflect how the University of North Carolina Wilmington will respond to its students and employees with regard to the life threatening illness of AIDS/HIV infection.

II. SCOPE

The policy guidelines cover all faculty, administrators, staff employees and students of the university.

III. GENERAL STATEMENT

Education and communication form the basis for the university's best approach to dealing with the complex and interrelated issues raised by AIDS/HIV infection. With this in mind, all members of the university community will be kept informed about these issues. Policies and procedures will be based on the most credible body of scientific and legal knowledge at hand. Moreover, as new information about AIDS/HIV infection becomes available, policies and procedures will be reconsidered and changes made when necessary. No policy can anticipate all possible situations; therefore, the best policy statement that can be made is one that is based on principles of flexibility, sensitivity, simplicity, and concern for the individual as well as the total welfare of the university community. In this context, the most appropriate policy to pursue is one of analyzing and responding to each case individually while holding written guidelines to the absolute minimum, thereby addressing AIDS-related issues, to the extent possible, through existing policies and procedures governing other health matters.

IV. POLICY

A. The university will conduct an ongoing educational campaign designed to reach all campus constituencies (students and employees), to provide basic information about AIDS/HIV infection.

B. Persons with the AIDS/HIV infection will not be excluded from enrollment or employment, or restricted in their access to university services or facilities, unless medically-based judgments in individual cases establish that exclusion or restriction is necessary to the welfare of the individual or to the welfare of other members of the university community.

C. Persons who know that they have AIDS/HIV infection will be encouraged to inform the Medical Director of Student Health Services so that the university can respond appropriately to their health and education needs.

D. Persons who know, or have reasonable basis for believing, that they are infected are expected to seek expert advice about their health circumstances and are obligated, ethically and legally, to conduct themselves responsibly in accordance with such knowledge, for the protection of other members of the community.

E. The university will widely publicize and carefully observe the safety guide lines established by the U.S. Public Health Service for the handling of blood and other body fluids and secretions, both in all health-care facilities maintained on the campus and in other institutional contexts in

which such fluids or secretions may be encountered (e.g., teaching and experimental laboratories).

F. With regard to SPA employees (and applicants for SPA positions), the university abides by state personnel policy which states that employees with communicable or infectious diseases, including AIDS/HIV infection, are protected under state policy to the degree that they are considered handicapped if the disease results in an impairment which substantially limits one or more major life activities. All the statutory provisions relative to persons with AIDS/HIV infection, including the requirements for "reasonable accommodations" to the known limitations of an otherwise qualified applicant or employee, will be adhered to.

V. PROCEDURAL GUIDELINES

A. EDUCATION PROGRAM

The educational program will be targeted at and designed for the various constituencies of the university community, i.e., students, parents and faculty/staff. New information will be included as it becomes available and will be presented through seminars, meetings, dissemination of printed materials and prominent display of posters. The university policy will be made available to faculty and staff during new employee orientation. A file of current educational material will be available in the university library. Information to parents concerning university policies on AIDS/HIV infection will be incorporated, as appropriate, in materials normally distributed, e.g., admission/registration materials and orientation.

B. RESIDENTIAL HOUSING

Decisions about housing for students with AIDS/HIV infection will be made on a case-by-case basis. Current medical information does not indicate any risk to those sharing residence with infected individuals. In some cases, however, there may be concern for students with immune deficiencies (of any origin) when those students might be exposed to certain contagious diseases (e.g. measles or chicken pox) in a close living arrangement. On a case-by-case basis, and where available, infected students may be offered private rooms in order to protect the health of the immunodeficient student—not to protect other students from them.

C. NOTICE AND REPORTING REQUIREMENTS

Persons known or suspected to have AIDS/HIV infection, whether or not they have symptoms of illness, have sometimes been victims of discrimination. The potential for discrimination requires that confidential information concerning any aspect of AIDS/HIV infection be handled with care. There is no substantial legal basis for requiring all persons-with-AIDS/HIV to report that fact to university officials, reporting of such conditions is not required; however, in the best interests of the individual as well as the rest of the university community, those with AIDS/HIV infection are encouraged to share that information on a

confidential basis with an appropriate medical person, preferably in the Student Health Center. In all cases, no specific or detailed information concerning complaints or diagnosis will be provided to faculty, administrators, or even parents without the expressed written consent of the individual in each case, in keeping with the Family Educational Rights and Privacy Act of 1974 (FERPA) and/or Health Insurance Portability and Accountability Act of 1996 (HIPAA). Any reporting of information concerning AIDS/HIV infection will be accomplished through strict adherence to public health reporting requirements.

D. APPROPRIATE ACTIONS IN INDIVIDUAL CASES

Individual cases of AIDS/HIV infection vary so widely. Therefore, it is difficult to develop policy/procedures applicable to all cases; therefore, decisions concerning AIDS/HIV infection will be made on a case-by-case basis using a "Response Team" approach. The "Response Team" may be composed of the Director of the Student Health Center, University Counsel, Chancellor's Committee on Health and Wellness chair, or other individuals designated by the chancellor. The "Response Team" should keep abreast of the best current available knowledge concerning AIDS/HIV infection as well as issues and concerns about AIDS/HIV infection at the departmental/operating level of the university.

E. PUBLIC INFORMATION

The university will not routinely inform others of the existence of individual AIDS/HIV infection cases, except as required by law. The number of individuals in the university who are aware of the existence and/or identity of students or employees with AIDS/HIV infection will be kept to an absolute minimum, both to protect the confidentiality and privacy of the persons with AIDS/HIV infection to avoid the generation of unnecessary fear and anxiety among other students and employees. When it is deemed necessary to release information, it will be handled in the following manner:

- Information requests from individuals outside the university concerning medical knowledge regarding AIDS/HIV infection or local, state or national statistics will be referred to the county health department.
- Routine information concerning the medical aspects of AIDS/HIV infection will be handled by the Student Health Center in cooperation with the Office of University Relations.
- Routine requests for information about university policy on AIDS/HIV infection, campus educational activities on the subject, and related routine information will be released by the Office of University Relations.
- In non-routine situations, such as the appearance or alleged appearance of AIDS/HIV infection cases on campus, the release of information will be handled in the following manner:

An "Information Team" consisting of the Director of University Relations, Advisory Committee Chair, Director of the Student Health Center, and University Counsel, is designated as the only source of news release or response to inquiries about AIDS/HIV infection of a non-routine nature. The "Response Team" and other necessary segments of the university will notify the chancellor and the "Information Team" of any AIDS/HIV infection situations that might generate unusual media attention and publicity.

F. SHARING AIDS/HIV EDUCATION AND INFORMATION

Student Health Services will maintain partnerships with local health care agencies, physicians and hospitals with the intent being to demonstrate its leadership in addressing the AIDS/HIV infection issues, to facilitate communication between health care providers, and to cooperate in developing and sharing AIDS/HIV infection educational programs. The sharing of information will be in accordance with university policy guidelines particularly as it relates to confidentiality of information.

G. HARASSMENT

Individuals may react to AIDS/HIV infection with fear, anger and anxiety. As a result of such reactions, students and employees who are either known to have or suspected to have AIDS/HIV infection may be subjected to emotional and/or physical abuse. The university condemns all such occurrences as intolerable and will respond to such actions quickly and effectively, using whatever means at its disposal to cease the harassment.

H. APPEALS

Individuals who feel that decisions made by the university with regard to AIDS/HIV infection situations have an adverse impact upon them may appeal the decisions as follows:

1. Faculty may appeal through procedures as noted in the faculty handbook, *Policies of Academic Freedom & Tenure.*
2. Staff employees may appeal through the SPA Employee Grievance & Appeal Procedure (*Administrative Procedures Manual*, Proc. No. PER 6.20).
3. Students may appeal through procedures as noted in the *Code of Student Life.*

For enforcement of decisions made, the chancellor may use, as appropriate, the regular administrative structure normally used rather than an AIDS-specific set of procedures.

I. CHANCELLOR'S COMMITTEE ON HEALTH AND WELLNESS

The Chancellor's Committee on Health and Wellness is made up of faculty, students and staff. The committee will advise the chancellor on policies, procedures, and educational efforts needed to deal with AIDS/HIV infection issues on campus and other health topics. The Committee in order to carry out its responsibility will keep up-to-date on

information surrounding the medical, legal, community and ethical issues associated with the disease.

POLICY I
DISABILITY ACCOMMODATIONS

I. PURPOSE

The University of North Carolina Wilmington is committed to providing assistance to enable qualified students to accomplish their educational goals. Much energy has been devoted to meeting the requirements of Section 504, Federal Rehabilitation Act of 1973 and its amendments and the Americans with Disabilities Act of 1990. This effort is exemplified by the accommodating services offered through Disability Services and by special cooperation of the faculty and all administrative units.

II. RESPONSIBILITY

Reasonable accommodations are provided based on individual need as assessed through documentation. It is the student's responsibility to provide Disability Services with appropriate documentation. Students should contact Disability Services for the documentation required. Students are not required to identify themselves as disabled if they do not want to avail themselves of accommodations.

III. APPEAL PROCEDURES

UNCW is committed to ensuring that all students, faculty and staff are treated with dignity and respect. Any student who feels that he or she has been the subject of discrimination based on their disability or feels that the accommodations and services provided are inappropriate should seek resolution. UNCW has adopted internal procedures providing prompt and equitable resolution to disability complaints.

Students with complaints concerning alleged discrimination or appropriate accommodation provision should make these complaints known to the Director of Disability Services. The Director will investigate the complaint and suggest solutions. Informal resolution is encouraged and should be attempted prior to formal filing of a grievance. The informal procedure affords all interested persons and their representatives an opportunity to respond and make modifications if necessary. If resolution is not achieved or if the individuals involved are not satisfied with the resolution, the matter is referred to the Dean of Students. The dean conducts an informal investigation and makes recommendations as to the resolution of this complaint. This resolution is provided in written form and where appropriate, in a format accessible to the complainant. The Dean of Students provides the ADA Compliance Officer with

a detailed account of the complaint and the results of the investigation and recommendations.

Students not satisfied with the dean of student's recommendations can file a formal ADA complaint with the ADA Compliance Officer. The complaint should be in writing and contain information about the alleged discrimination such as name, address, phone number of complainant and location, date and description of the problem. (A copy of the form is included below). Alternative means of filing complaints, appropriate to the documented disability will be made available. This complaint must be filed within 180 calendar days after the complainant becomes aware of the alleged violation.

Within 15 calendar days after receipt of the complaint, the ADA Compliance Officer will meet with the complainant to discuss the complaint and possible resolutions. With 15 calendar days after the meeting the ADA Compliance Officer will respond in writing, and, where appropriate, in a format accessible to the complainant. The response will explain the position of UNCW and offer options for substantive resolution of the complaint. All written complaints received by the ADA Compliance Officer and responses will be kept by UNCW for at least three years.

The complainant shall be informed of the right to file a complaint with the appropriate state or federal agency. The use of the UNCW's internal grievance procedure shall not be a prerequisite to other external remedies. Retaliation against a person who files a complaint of discrimination is prohibited under university policy and by state and federal law.

ADA GRIEVANCE FORM

Name: _____

Address: _____

Phone: _____

Please provide a complete description of your grievance.

Complaint:

_____
_____
_____
_____
_____
_____
_____

Please attach additional pages as needed.

Signature: _____ Date: _____

Please return to ADA Compliance Officer, Alderman Hall 201, 910-962-3835.
TTY Relay: 1-800-251-5325

Upon request, assistance appropriate to the documented disability will be provided to complete this form.

POLICY J
FREEDOM OF EXPRESSION BY NON-UNIVERSITY SPONSORED SPEAKERS

I. PURPOSE

The University of North Carolina Wilmington is a community which embraces diversity. The university supports activities that encourage understanding, respect and appreciation for different points of view. In pursuit of this goal, the university aspires to protect its educational mission while also protecting the first amendment right to free speech. The granting of this privilege does not imply any endorsement or support for the views expressed by the speaker.

II. POLICY & PROCEDURAL GUIDELINES

The following policy provides standards and guidelines necessary to maintain the orderly and essential operation of the university.

1. Any individual or group seeking the opportunity to speak on campus must register with the Office of the Dean of Students at least 24 hours prior to any activity.
2. The individual or group will be assigned to a specific area, and granted permission to assemble for a duration of no longer than 2 hours.
3. The individual or group will be required to display a copy of the registration approved by the Office of the Dean of Students.
4. The individual or group will not under any circumstances be permitted to sell items or solicit funds.
5. The individual or group will be allowed to continue to assemble for the full duration of time approved on the registration unless:
   a. normal university activity is disrupted; or
   b. university property is being damaged; or
   c. individuals or observers not actively engaged in a dialogue with the speaker are being harassed or verbally abused; or
   d. the physical safety and well-being of any member of the university community or visitors on the campus is threatened.
6. Any member of the UNCW community may report a violation or concern regarding the behavior of a registered individual or group to the Office of the Dean of Students.
7. A member of the Office of the Dean of Students will assess the situation, evaluate the allegation in relation to the established policy, and determine if the individual or group should be allowed to continue.
8. If the Office of the Dean of Students determines that an individual or group is in violation of any standard during the assembly, the individual or group will be escorted from university by the University Police.
9. Any individual or group who violates the policy may lose all privileges to assemble on campus in the future.

POLICY K
GRIEVANCE PROCEDURE

I. PURPOSE

If you believe that you have a legitimate grievance against another student or university employee in a matter other than those covered by the Grade Appeals Procedure or those within the jurisdiction of the University Judicial System, you may seek a resolution of that grievance through this procedure. If your complaint involves an academic matter, it must be filed before the last day of the

next regular semester; if it is not academic related, it must be filed within thirty (30) days of the date the alleged incident occurred or from the date of the consequences of the alleged incident.

II. PROCEDURAL GUIDELINES

To initiate the procedure, first, discuss your complaint with the Dean of Students or the compliance officer who will advise you of the steps in the grievance process and, depending on the nature of your grievance, will direct you to the appropriate reviewing officer. You may make your complaint to this officer either orally or in writing, but this officer must record your complaint in a written statement identifying you, the conduct you are complaining of, and the employee alleged to have engaged in it. In every case, the Compliance Officer will be given a copy of this record.

If you seek personal redress for an alleged wrong, you must be willing to be identified to the person charged. If you are willing to do so, the reviewing officer will notify, in writing, the person charged, stating the nature of the complaint and indicating that an informal inquiry will be conducted. If you are not willing to be identified or you cease to seek personal redress, the institution may pursue an inquiry on the institution's behalf and in its name rather than yours, if it determines that such action is necessary. These latter administrative procedures are initiated by the institution to assure appropriate conduct by its employees; *e.g.*, when the institution seeks to prevent likely recurrence of apparent improper conduct, even though no individual complainant wishes to pursue a personal grievance.

III. FORMAL COMPLAINTS

If your grievance cannot be resolved at an informal level, then you may file a formal complaint with the vice chancellor who has administrative jurisdiction over the person named in your complaint. The vice chancellor will then convene the student grievance panel. This committee will hear your complaint and then make its recommendation to the vice chancellor, who will render the decision.

IV. APPEAL

If you are unsatisfied with the resolution rendered by the vice chancellor, you may appeal it to the chancellor, who will render the final decision.

POLICY L
HURRICANE POLICY

1. University officials closely monitor tropical depressions, tropical storms and hurricanes. Detailed tracking by the Emergency Operating Committee is begun at the first announcement of a hurricane watch.
2. Upon announcement of a hurricane watch, students will be encouraged to develop plans for evacuation.
3. Classes and other university events will be cancelled by the chancellor when appropriate. The university community will be informed through radio, television, UNCW Web Page, UNCW Emergency Hotline 910-962-3991 or 1-888-657-5751, and other communication methods when this decision is made.
4. University officials encourage students to drive home when the hurricane and weather conditions permit safe travel. Students, who are not traveling to their permanent residences, are expected to notify parents and family of their plans and whereabouts.
5. In the event that a student can not find alternate shelter for the duration of hurricane and recovery period, the student should be referred to the Office of the Dean of Students to be informed of potential options.
6. The university will systematically evacuate all nonessential personnel from the campus in an orderly manner. The university will remain closed and access prohibited to all nonessential personnel until further notice.
7. The University Union is the Emergency Operating Center. Food and provisions will be kept in the Emergency Operating Center for predetermined essential Emergency Operating Center officials only.
8. Public safety personnel, maintenance workers and their supervisors will continue to be on duty around the clock during these storms. Campus officials are in constant contact with local, county and state emergency headquarters.
9. University officials will resume operations as soon as it is determined that the university can resume its educational mission in a safe and reasonable manner.
10. The university community will be informed of the reopening of the university through radio, television, UNCW Web Page, UNCW Emergency Hotline 910-962-3991 or 1-888-657-5751, and other appropriate communication methods.

POLICY M
IMPROPER RELATIONSHIPS BETWEEN STUDENTS AND EMPLOYEES

I. PURPOSE

This policy sets forth professional conduct standards for all employees who are involved in the instruction, supervision or evaluation of students. The university does not condone amorous relationships between students and employees. Members of the university community should avoid such liaisons, which can harm affected students and damage the integrity of the academic enterprise. Further, sexual relationships between unmarried persons can result in criminal liability. In two types of situations, university prohibition and punishment of amorous relationships is deemed necessary: 1) when the employee is responsible for evaluating or supervising the affected student; and 2) when the student is a minor, as defined by North Carolina law.

II. PROHIBITED CONDUCT

A. It is misconduct, subject to disciplinary action, for a university employee, incident to any instructional, research, administrative or other university employment responsibility or authority, to evaluate or supervise any enrolled student of the institution with whom he or she has an amorous relationship or to whom he or she is related by blood, law or marriage.

B. It is misconduct, subject to disciplinary action, for a university employee to engage in sexual activity with any enrolled student of the institution, other than his or her spouse, who is a minor below the age of 18 years.

III. DEFINITION OF TERMS

A. "Amorous relationship" exists when, without the benefit of marriage, two persons as consenting partners
   (1) Have a sexual union; or
   (2) Engage in a romantic partnering or courtship that may or may not have been consummated sexually.

B. "Evaluate or supervise" means:
   (1) To assess, determine or influence a) one's academic performance, progress or potential or b) one's entitlement to or eligibility for any institutionally conferred right, benefit or opportunity; or
   (2) To oversee, manage or direct one's academic or other institutionally prescribed activities.

C. "Related by blood, law or marriage" means:
   (1) Parent and child
   (2) Brother and sister
   (3) Grandparent and grandchild

(4) Aunt and/or uncle and niece and/or nephew
(5) First cousins
(6) Stepparent and stepchild
(7) Husband and wife
(8) Parents-in-law and children-in-law
(9) Brothers in-law and sisters-in-law
(10) Guardian and ward

IV. REPORTING POLICY VIOLATIONS

A. The university encourages individuals to report alleged violations to the department chair, dean, director or vice chancellor of the division or department in which the employee involved in the relationship is employed. The dean, director or vice chancellor, in consultation with the Director of Human Resources and the Provost, shall determine whether to authorize a formal investigation of the allegations.
B. Self-reporting is encouraged to avoid potential conflicts of interests, conflicts of interests, or the appearance of a conflict. If the potential for such a conflict arises, the employee is required to disclose the possibility of a potential conflict to his or her immediate supervisor and efforts are to be made to eliminate any potential source of the conflict.
C. The university considers the filing of a false or malicious report as a violation of this policy, and the individual who reports shall be subject to prompt and appropriate disciplinary action.

V. INVESTIGATORY PROCEDURES

A. Because of the sensitive nature of such relationships, reasonable effort should be taken to resolve a policy violation in an informal and expedited manner whenever possible.
B. If a formal investigation is authorized, the pertinent vice chancellor will identify an appropriate administrator(s). The investigating administrator(s) cannot be the direct supervisor of the employee named in the complaint. The investigating administrator(s) shall interview the employee, the affected student, the complainant, and any other individual believed to have pertinent factual knowledge necessary to determine the validity of the allegations. Relevant documents should also be reviewed. All parties to an investigation must be instructed on the confidential nature of the matter, and the prohibition against retaliation for reporting policy violations and/or participating in an investigation.
C. The investigating administrator(s) shall prepare a report of findings, which shall be considered a confidential personnel record. Human Resources will serve as a consultant to the process to ensure consistency of treatment. In the case of a faculty member, the report shall be submitted to the pertinent dean and the provost, with a copy to the director of human resources. In the case of a non-faculty member, the report will be submitted to the pertinent vice chancellor and the director of human resources.

D. Results of the investigation, the report, and any subsequent disciplinary action shall be kept confidential to the extent allowed by the Family Educational Rights and Privacy Act ("FERPA") and the North Carolina Personnel Records Act. Generally, the complainant is not entitled to learn the outcome of such an investigation other than notice when the investigation has concluded. All related documentation should be forwarded as soon as possible following resolution to Human Resources for retention.

E. Reasonable efforts should be made to address the concern in as timely a manner as possible, which should be within thirty (30) calendar days of receiving the complaint. The Director of Human Resources should be advised on any investigation and/or resolution that take longer than thirty (30) calendar days. This should be accomplished through a status report provided by the investigating administrator(s).

VI. CORRECTIVE ACTION

Any disciplinary action imposed for a violation of this policy shall be made in accordance with the disciplinary procedures applicable to the faculty or staff member's category of employment. Sanctions may include a letter of reprimand or warning, suspension without pay, or dismissal from employment. Disciplinary action shall be decided by the appropriate vice chancellor, or designee, in consultation with the Director of Human Resources.

POLICY N
SKATEBOARDING AND ROLLERBLADING

1. Skateboards and rollerblades may be used as a form of transportation on campus. They may only be utilized on sidewalks and/or roadways.
2. Skateboarding and rollerblading are prohibited from all other areas of campus including, but not limited to, the following areas:
   a. all steps
   b. all flower planters
   c. all brick patios
   d. all curbs and benches
   e. inside all buildings
3. Violators of this policy will:
   a. be issued a campus citation for $25.
   b. be charged restitution for any damages.
   c. have their skateboards or rollerblades confiscated until the fine and restitution or damages are paid in full.
4. All underage, non-university individuals found in violation of this policy are required to have a parent or legal guardian present to obtain their confiscated property.

STATE & FEDERAL LAW

STATE LAW

I. DRUG LAW (printed in part)

NORTH CAROLINA GENERAL STATUTE 90-95(A)

(a) Except as authorized by this Article, it is unlawful for any person:

1) To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance:

2) To create, sell or deliver, or possess with intent to sell or deliver a counterfeit controlled substance;

3) To possess a controlled substance.

NORTH CAROLINA GENERAL STATUTE 90-113.22 POSSESSION OF DRUG PARAPHERNALIA

(a) It is unlawful for any person to knowingly use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance which it would be unlawful to possess, or to inject, ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess.

(b) Violation of this section is a Class 1 misdemeanor (1981, c. 500, s. 1; 1993, c. 539, s. 624; 1994, Ex. Sess., c. 24, s. 14 (c).)

II. STATE POLICY ON FIREARMS OR OTHER WEAPONS ON UNIVERSITY PROPERTY

NORTH CAROLINA GENERAL STATUTE 14-269.2 EFFECTIVE DEC. 1, 1993

Weapons on campus or other educational property, makes it unlawful for any person to possess or carry, or to cause, encourage, or aid a minor who is less than 18 years old to possess or carry, whether openly or concealed, any gun, rifle, pistol, or other firearm of any kind or any dynamite cartridge, bomb, grenade, mine, or powerful explosive as defined in G.S. 14-284.1 or any BB gun, stun gun, air rifle, air pistol, bowie knife, dirk, dagger, slingshot, leaded cane, switchblade knife, blackjack, metallic knuckles, razors and razor blades (except solely for personal shaving), firework, or any sharp-pointed or edged instrument except instructional supplies, unaltered nail files and clips and tools used solely for preparation of food, instruction, and maintenance, on educational property or to a curricular or extracurricular activity sponsored by a school.

This statute does not apply to military and law enforcement personnel, firefighters, emergency service personnel, or North Carolina Forest-Service personnel, when acting in the discharge or their official duties

and home schools as defined in G.S. 115C-563(a), and weapons used solely for educational or school-sanctioned ceremonial purposes or used in a school-approved program conducted under the supervision of an adult whose supervision has been approved by the school authority.

Violations may be Class I and G felonies or Class 1 misdemeanors.

III. POLICIES REGARDING FIRE LAWS

NORTH CAROLINA GENERAL STATUTE 14-60
BURNING OF SCHOOL HOUSES OR BUILDINGS OF EDUCATIONAL INSTITUTIONS

If any person shall wantonly and willfully set fire to or burn or cause to be burned or aid, counsel or procure the burning of, any schoolhouse or building owned, leased or used by any public or private school, college or educational institution, he shall by punished as a Class F felon. (1901, c. 4, s. 28; Rev., s. 3345; 1919, c. 70; C.S., s. 4240; 1965, c. 870; 1971, c. 816, s. 2; 1979, c. 760, s. 5; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1; c. 179, s. 14; 1993, c. 539, s. 1158; 1994, Ex. Sess., c. 24, s. 14(c).)

NORTH CAROLINA GENERAL STATUTE 14-286
GIVING FALSE FIRE ALARMS; MOLESTING FIRE-ALARM, FIRE-DETECTION OR FIRE-EXTINGUISHING SYSTEM

It shall be unlawful for any person or persons to wantonly and willfully give or cause to be given, or to advise, counsel, or aid and abet anyone in giving, a false alarm of fire, or to break the glass key protector, or to pull the slide, arm, or lever of any station or signal box of any fire-alarm system, except in case of fire, or willfully misuse or damage a portable fire extinguisher, or in any way to willfully interfere with, damage, deface, molest, or injure any part or portion of any fire-alarm, fire-detection, smoke-detection or fire-extinguishing system. Any person violating any of the provisions of this section shall be guilty of a Class 2 misdemeanor. (1921, c. 46; C.S., s. 4426(a); 1961, c. 594; 1969, c. 1224, s. 5; 1975, c. 346; 1993, c. 539, s. 182; 1994, Ex. Sess., c. 24, s. 14(c).)

IV. HAZING LAW

NORTH CAROLINA GENERAL STATUTE 14-35.
HAZING; DEFINITION AND PUNISHMENT

It is unlawful for any student in attendance at any university, college, or school in this State to engage in hazing, or to aid or abet any other student in the commission of this offense. For the purposes of this section hazing is defined as follows: "to subject another student to physical injury as part of an initiations, or as a prerequisite to membership, into any organized school group, including any society, athletic team, fraternity or sorority, or other similar group." Any violation of this section shall constitute a Class 2 misdemeanor. (Effective December 1, 2003).

NORTH CAROLINA GENERAL STATUTE 14-36.
REPEALED

NORTH CAROLINA GENERAL STATUTE 14-37
REPEALED BY SESSION LAWS 1979, C. 7, S. 1.

NORTH CAROLINA GENERAL STATUTE 14-38
WITNESSES IN HAZING TRIALS; NO INDICTMENT TO BE FOUNDED ON SELF-CRIMINATING TESTIMONY

In all trials for the offense of hazing any student or other person subpoenaed as a witness in behalf of the State shall be required to testify if called upon to do so: Provided, however, that no student or other person so testifying shall be amenable or subject to indictment on account of, or by reason of, such testimony. (1913, c. 169, s. 8; C.S. s. 4220.)

V. POLICY REGARDING DISORDERLY CONDUCT

NORTH CAROLINA GENERAL STATUTE 14-288.4

Disorderly conduct is a public disturbance intentionally caused by any person who:

1. Engages in fighting or other violent conduct or in conduct creating the threat of imminent fighting or other violence; or
2. Makes or uses any utterance, gesture, display or abusive language which is intended and plainly likely to provoke violent retaliation and thereby cause a breach of the peace; or
3. Takes possession of, exercises control over, or seizes any building or facility of any public or private educational institution without the specific authority of the chief administrative officer of the institution, or his authorized representative; or
4. Refuses to vacate any building or facility of any public or private educational institution in obedience to:
    a. An order of the chief administrative officer of the institution, or his authorized representative; who shall include for colleges and universities the vice chancellor for student affairs or his/her equivalent for the institution, the Dean of Students or his/her equivalent for the institution, the director of the law enforcement or security department for the institution, and the chief of the law enforcement or security department for the institution; or
    b. An order given by any fireman or public health officer acting within the scope of his/her authority; or
    c. If a state of emergency is occurring or is imminent within the institution, an order given by any law enforcement officer acting within the scope of his/her authority; or

5. Shall, after being forbidden to do so by the chief administrative officer or his authorized representative, of any public or private educational institution;
    a. Engage in any sitting, kneeling, lying down, or inclining so as to obstruct the ingress or egress of any person entitled to the use of any building or facility of the institution in its normal and intended use; or
    b. Congregate, assemble, form groups or formations (whether organized or not), block, or in any manner otherwise interfere with the operation or functioning of any building or facility of the institution so as to interfere with the customary or normal use of the building or facility;
6. Disrupts, disturbs, or interferes with the teaching of students at any public or private educational institution or engages in conduct which disturbs the peace, order or discipline at any public or private educational institution or on the groups adjacent thereto.
7. Disrupts, disturbs or interferes with a religious service or assembly or engages in conduct which disturbs the peace or order at any religious service or assembly.

As used in this section the term "building or facility" includes the surrounding grounds and premises of any building or facility used in connection with the operation or functioning of such building or facility. Any person who willfully engages in disorderly conduct is guilty of a Class 2 misdemeanor. (1969, c. 869, s. 1; 1971, c. 668, s. 1; 1973, c. 1347; 1975, c. 19, s. 4; 1983, c. 39, s. 5; 1987, c. 671, s. 1; 1993, c. 539, s. 189; 1994, Ex Sess., c. 24, s. 14(C); 2001-26, s. 2.)

VI. STATE POLICY ON POSSESSION/MANUFACTURE OF CERTAIN FRAUDULENT FORMS OF IDENTIFICATION

NORTH CAROLINA GENERAL STATUTE 14-100.1

(a) Except as otherwise made unlawful by G.S, 20-30, it shall be unlawful for any person to knowingly possess or manufacture a false or fraudulent form of identification as defined in this section for the purpose of deception, fraud, or other criminal conduct.

(b) Except as otherwise made unlawful by G.S. 20-30, it shall be unlawful for any person to knowingly obtain a form of identification by the use of false, fictitious, or fraudulent information.

(c) Possession of a form of identification obtained in violation of subsection (b) of this section shall constitute a violation of subsection (a) of this section.

(d) For purposes of this section, a "form of identification" means any of the following or any replica thereof:

(1) An identification card containing a picture, issued by any department, agency or subdivision of the State of North Carolina, the Federal Government, or any other state
(2) A military identification card containing a picture.
(3) A passport.
(4) An alien registration card containing a picture.

(e) A violation of this section shall be punished as a Class 1 misdemeanor. (2001-461, s. 1; 2001-487, s. 42(a).)

VII. STALKING

NORTH CAROLINA GENERAL STATUTE 14-277.3

(a) Offense. – A person commits the offense of stalking if the person willfully on more than one occasion follows or is in the presence of, or otherwise harasses, another person without legal purpose and with the intent to do any of the following:
(1) Place that person in reasonable fear either for the person's safety or the safety of the person's immediate family or close personal associates.
(2) Cause that person to suffer substantial emotional distress by placing that person in fear of death, bodily injury, or continued harassment, and that in fact causes that person substantial emotional distress.

(b) Classification. – A violation of this section is a Class A1 misdemeanor. A person convicted of a Class A1 misdemeanor under this section, who is sentenced to a community punishment, shall be placed on supervised probation in addition to any other punishment imposed by the court. A person who commits the offense of stalking when there is a court order in effect prohibiting similar behavior by that person is guilty of a Class H felony. A person who commits the offense of stalking after having been previously convicted of a stalking offense is guilty of a Class F felony.

(c) Definition. – For the purposes of this section, the term "harasses" or "harassment" means knowing conduct, including written or printed communication or transmission, telephone or cellular or other wireless telephonic communication, facsimile transmission, pager messages or transmissions, answering machine or voice mail messages or transmissions, and electronic mail messages or other computerized or electronic transmissions, directed at a specific person that torments, terrorizes, or terrifies that person and that serves no legitimate purpose. (1991 (Reg. Sess., 1992), c. 804, s. 1; 1993, c. 539, s. 173; 1994, Ex. Sess., c. 24, s. 14(c); 1997-306, s. 1; 2001-518, s. 1; 2003-181, s. 1.)

VIII. FINANCIAL TRANSACTION CARD CRIME ACT
NORTH CAROLINA GENERAL STATUTE 14-113.8

The following words and phrases as used in this Chapter, unless a different meaning is plainly required by the context, shall have the following meanings:

(1) Acquirer. – "Acquirer" means a business organization, financial institution, or an agent of a business organization or financial institution that authorizes a merchant to accept payment by financial transaction card for money, goods, services or anything else of value.

(1a) Automated Banking Device. – "Automated banking device" means any machine which when properly activated by a financial transaction card and/or personal identification code may be used for any of the purposes for which a financial transaction card may be used.

(2) Cardholder. – "Cardholder" means the person or organization named on the face of a financial transaction card to whom or for whose benefit the financial transaction card is issued by an issuer.

(3) Expired Financial Transaction Card. – "Expired financial transaction card" means a financial transaction card which is no longer valid because the term shown on it has elapsed.

(4) Financial Transaction Card. – "Financial transaction card" or "FTC" means any instrument or device whether known as a credit card, credit plate, bank services card, banking card, check guarantee card, debit card, or by any other name, issued with or without fee by an issuer for the use of the cardholder:

- (a) In obtaining money, goods, services, or anything else or value on credit;
- (b) In certifying or guaranteeing to a person or business the availability to the cardholder of funds on deposit that are equal to or greater then the amount necessary to honor a draft or check payable to the order of such person or business; or
- (c) In providing the cardholder access to demand deposit account or time deposit account for the purpose of:
  1. Making deposits of money or checks therein; or
  2. Withdrawing funds in the form of money, money orders, or traveler's checks there from; or
  3. Transferring funds from any demand deposit account or time deposit account to any other demand deposit account or time deposit account; or
  4. Transferring funds from any demand deposit account or time deposit account to any credit card accounts,

overdraft privilege accounts, loan accounts, or any other credit accounts in full or partial satisfaction of any outstanding balance owed existing therein; or

5. For the purchase of goods, services, or anything else of value; or
6. Obtaining information pertaining to any demand deposit account or time deposit account;

(d) But shall not include a telephone number, credit number, or other credit device which is covered by the provisions of article 19A of this Chapter.

(5) Issuer. – "Issuer" means the business organization or financial institution or its duly authorized agent which issues a financial transaction card.

(6) Personal Identification Code. – "Personal identification code" means a numeric and/or alphabetical code assigned to the cardholder of a financial transaction card by the issuer to permit authorized electronic use of the FTC.

(7) Presenting. – "Presenting" means, as used herein, those actions taken by a cardholder or any person to introduce a financial transaction card into an automated banking device, including utilization of a personal identification code, or merely displaying or showing a financial transaction card to the issuer, or to any person or organization providing money, goods, services, or anything else of value, or any other entity with intent to defraud.

(8) Receives. – "Receives" or "receiving" means acquiring possession or control or accepting a financial transaction card as security for a loan.

(9) Revoked Financial Transaction Card. – "Revoked financial transaction card" means a financial transaction card which is no longer valid because permission to use it has been suspended or terminated by the issuer.

(10) Scanning Device. – "Scanning device" means a scanner, reader, or any other device that is used to access, read, scan, obtain, memorize, or store, temporarily or permanently, information encoded on a financial transaction card. (1967, c. 1244, s. 2; 1971, c. 1213, s. 4; 1979, c. 741, s. 1; 1989, c. 161, s. 1; 2002-175, s. 2)

IX. FINANCIAL TRANSACTION CARD THEFT
NORTH CAROLINA GENERAL STATUTE 14-113.9

(a) A person is guilty of financial transaction card theft when the person does any of the following:

(1) Takes, obtains or withholds a financial transaction card from the person, possession, custody or control of another without the cardholder's consent and with the intent to use

it or sell it, or transfer if to a person other than the issuer or the cardholder.

(2) Receives a financial transaction card that he knows to have been lost, mislaid, or delivered under a mistake as to the identity or address of the cardholder, and who retains possession with the intent to use it or to sell it or to transfer it to a person other than the issuer or the cardholder.

(3) Not being the issuer, sells a financial transaction card or buys a financial transaction card from a person other than the issuer.

(4) Not being the issues, during any 12-month period, receives financial transaction cards issued in the names of two or more persons which he has reason to know were taken or retained under circumstances which constitute a violation of G.S. 14-113.13 (a)(3) and subdivision (3) of subsection (a) of this section.

(5) With the intent to defraud any person, either (i) uses a scanning device to access, read, obtain, memorize, or store, temporarily or permanently, information encoded on another person's financial transaction card, or (ii) receives the encoded information from another person's financial transaction card.

(b) Credit card theft is punishable as provided by G.S. 14-113.17(b). (1967, c 1244, s. 2; 1979, c 741, s. 1; c. 760, s. 5; 1979, 2nd Sess., c. 1316, s. 47; 1981, c. 63, s. 1; c. 179, s. 14; 2002-175, s. 3.)

FEDERAL LAW

I. SUPPLEMENT I: TITLE IX OF THE EDUCATION AMENDMENTS OF 1972, AS AMENDED*

SEX DISCRIMINATION PROHIBITED

Sec. 901.(a) No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance, except that:

6) This section shall not apply to membership practices--

(A) of a social fraternity of social sorority which is exempt from taxation under Section 501(a) of the Internal Revenue Code of 1954, the active membership of which consists primarily of students in attendance at an institution of higher education.

*P.I. 92-318 (1972) and P.I. 93-568 (1974)

SUBSTANCE ABUSE HANDBOOK

PHILOSOPHY

POLICY

PENALTIES

EDUCATION & PREVENTION

CAMPUS & COMMUNITY RESOURCES

PHILOSOPHY

Dear UNCW Faculty, Staff and Students:

The problem of alcohol and other drug abuse is not new but has been a problem for various societies for as long as there has been recorded history. In the past few years, due to increased attention in the public media and heightened public awareness, citizens across the United States have begun to focus their attention on the effects of alcohol and other drug abuse on society. We recognize that substance abuse particularly that of alcohol is a concern for some UNCW community members as well. Therefore, we have compiled this handbook to assist you in gathering information about alcohol and other drugs and the problems and concerns associated with their use and abuse.

When dealing with these substance abuse issues, we do not want to just react; instead, we want to move rapidly in delivering accurate information so that members of our community can make healthy choices concerning their use of alcohol and other drugs. For those who may have problems related to drug use we will be responsive to their needs through assessment, counseling and referral to other agencies when advisable. You will find in this handbook an outline of university policy, procedure and programming in addition to state and federal laws that pertain to alcohol and other controlled substances.

I hope that you will read the information that is enclosed and that you will support our promotion of low-risk, healthy choices concerning the use of alcohol and other drugs. We, at UNCW, will continue to emphasize the prevention of drug abuse and stress education in an effort to increase awareness and further knowledge. In addition, we will provide intervention and treatment services when necessary. All members of this academic community (students, staff, and faculty) share the responsibility for protecting the environment by exemplifying high standards of professional and personal conduct.

Sincerely,

Patricia L. Leonard
Vice Chancellor for Student Affairs

POLICIES

UNCW POLICY
ALCOHOL
Policy Regarding the Possession and Consumption of Alcoholic Beverages on the Campus of the University of North Carolina Wilmington

I. PURPOSE
The University of North Carolina Wilmington permits alcohol to be consumed at special activities and programs and in the privacy of residence hall rooms.

There is no intent to encourage the increased use of alcoholic beverages or to force their consumption upon those who object to the use of alcohol on moral, ethical or religious grounds. This policy is designed to promote the positive, healthy use or non-use of alcoholic beverages in a responsible manner.

II. SCOPE
University policies concerning the possession and consumption of alcoholic beverages do not contravene federal, state, or municipal law regarding their purchase, possession or consumption.

III. PROHIBITED BEHAVIOR
A. Effective September 1, 1986, the North Carolina Alcoholic Beverage Control Laws made it illegal for any person under 21 years of age to purchase, possess or consume, or for anyone to aid or abet such a person in purchasing or consuming any alcoholic beverages.

B. Under no circumstances may any type of alcoholic beverages be sold by any person, organization or corporation on the campus of the university.

C. It is unlawful for any person to drink alcoholic beverages or to offer a drink to another person or persons, whether accepted or not, on any public road or street, parking lot, sidewalk or other publicly owned or leased place within the city of Wilmington.

D. Student fees collected by UNCW cannot be used to purchase alcoholic beverages.

E. Student events at which alcoholic beverages may be consumed can be held only under circumstances in which the host organization demonstrates reasonable means of ensuring the safety of participants and adherence to state law.

IV. GUIDELINES FOR UNIVERSITY EVENTS
Possession and consumption of alcoholic beverages at university events must adhere to the following guidelines.

A. Possession and consumption of alcoholic beverages on the university campus shall be restricted to the areas specified by the Dean of Students. Exceptions may be designated by the chancellor.
B. The use of alcoholic beverages at a campus event shall be subject to the approval of the chancellor.
    1. The UNCW Alcohol Beverage Permit and Statement of Responsibility must be filed with the Office of the Dean of Students seven (7) days prior to the event.
    2. The advisor to the sponsoring organization must be present for the entire event.
C. Alcohol must be served by the UNCW Food Service Contractor.
D. Alcoholic beverages may be used only as a complement to an event, not as the main focus.
E. Non-alcoholic beverages must be available at the same place as the alcoholic beverages and featured as prominently as the alcoholic beverages.
F. A reasonable portion of the budget for the event shall be designated for the purchase of food items.
G. Consumption of alcoholic beverages is only permitted within the approved area designated for the event.
H. At least two people shall check every person entering an event for proof of legal drinking age. Only the following will be accepted as valid identification:
    1. Driver's license with picture.
    2. Driver's license without a picture along with both a Social Security card and another form of picture identification.
    3. Military identification card.
    4. Passport.
    5. Special identification card obtained from N.C. Department of Motor Vehicles. Persons of legal drinking age shall be given a nontransferable form of identification.
I. Alcohol shall not be served to those exhibiting unusual behavior or impaired speech or motor coordination when such behavior appears to be the result of substance abuse.
J. Alcohol will be discontinued one (1) hour before the event ends.
K. Failure to comply with conditions for alcohol consumption on campus will result in disciplinary action.

V. QUANTITY GUIDELINES

Alcohol Beverage Quantity Guidelines are designed in compliance with guidelines set forth by the National Institute on Alcohol Abuse and Alcoholism. These quantities are intended as a guide for persons purchasing alcohol for a function.

A. Beer—12 oz. per person per hour
B. Wine—4 oz. per person per hour

UNCW POLICY
ALCOHOL MARKETING
Statement of Principles Regarding the Marketing of Alcoholic Beverages on the UNCW Campus

I. PURPOSE

Alcohol abuse poses a serious threat to the health and welfare of a large segment of the college student population through acts of vandalism and property damage, automobile and other types of accidents, lessening of academic performance, estrangement of social relations, and, in some cases, bodily injury, illness and death.

Inappropriate and irresponsible marketing and promotion of alcoholic beverages on campus can contribute to the problems of alcohol abuse. The development of campus policies which protect the health and welfare of college students is an important responsibility of the UNCW community. Institutional policies, practices and regulations should form the basis of a responsible approach to this area on campus.

II. GUIDELINES

The following guidelines are to govern alcohol marketing practices on the UNCW campus:

1. Alcohol beverage marketing programs specifically targeted for students and/or held on campus should conform to the *Code of Student Life* and state law. They must avoid demeaning sexual or discriminatory portrayal of individuals and/or groups.
2. Promotion of beverage alcohol should not encourage any form of alcohol abuse, nor should it place emphasis on quantity and frequency of use (i.e. "all you can drink").
3. Beverage alcohol (such as kegs or cases of beer) should not be provided as free awards to individual students or campus organizations.
4. No uncontrolled sampling as part of campus marketing programs should be permitted and no sampling or other promotional activities should include "drinking contests."
5. Promotional activities should not be associated with otherwise existing campus events or programs without the prior knowledge and consent of the Office of the Dean of Students.
6. Display or availability of promotional materials should be determined by the Office of the Dean of Students in consultation with the Chancellor's Advisory Board for Alcohol, Tobacco and Other Drug Use.

7. Informational marketing programs should subscribe to the philosophy of responsible and legal use of the products represented.
8. Beverage alcohol marketers will be encouraged to support campus alcohol education programs that encourage informed and responsible decisions about the use or nonuse of beer, wine or distilled spirits.
9. Beverage alcohol advertising on campus or in institutional media, including that which promotes events as well as product advertising, should not portray drinking as a solution to personal or academic problems of students or as necessary to social, sexual or academic success.
10. Advertising and other promotional campus activities should not associate beverage alcohol consumption with the performance of tasks that require skilled reactions such as the operation of motor vehicles or machinery.
11. Local off-campus promotional activities primarily directed to students should be developed in compliance with these stated guidelines.
12. Beverage alcohol marketers will not be permitted to promote their products on campus unless they agree to abide by the above marketing guidelines. The vice chancellor for student affairs, in consultation with the Chancellor's Advisory Board for Alcohol, Tobacco and Other Drug Use, will be responsible for implementing these guidelines.
13. Advertisement posting for any university event when alcoholic beverages are served shall note the availability of non-alcoholic beverages as predominantly as alcohol. Alcohol should not be used as an inducement to participate in a campus event.

Students or student organizations cited for a violation of UNCW alcohol policies will be subject to the provisions outlined in the *UNCW Code of Student Life* Section II-2.

UNCW POLICY
ILLEGAL DRUGS

I. PURPOSE

The fundamental purpose of the University of North Carolina Wilmington (UNCW) is to maintain an environment that supports and encourages the pursuit and dissemination of knowledge. That environment is damaged by illegal drug use. Therefore, all members of the academic community, students, faculty, administrators and other university employees, share the responsibility for protecting the environment by exemplifying high standards of professional and personal conduct.

II. POLICY AND PROGRAM

A. The illegal use, possession, sale, delivery and/or manufacture of drugs will not be tolerated and may be grounds for immediate suspension or dismissal of students, faculty, administrators and other university employees.

B. UNCW policies and programs are intended to emphasize:

1. The incompatibility of the use or sale of illegal drugs with the goals of the university.
2. The legal consequences of involvement with illegal drugs.
3. The medical implications of the use of illegal drugs.
4. The ways in which illegal drugs jeopardize an individual's present accomplishments and future opportunities.

C. UNCW provides a systematic substance abuse education and prevention program designed to reach all segments of the campus community. To assist in accomplishing this mission, CROSSROADS: Substance Abuse Prevention and Education Program, has developed a well-integrated, centralized program that is a focal point for campus substance abuse education, training and prevention, which monitors the effectiveness of programs for constituencies served. The Counseling Center provides substance abuse counseling and referral services for students and provides consultation to students, faculty and staff. The Counseling Center also consults with students, faculty and staff. This policy on illegal drugs is presented within the four areas of education, counseling and rehabilitation, enforcement and penalties and assessment.

III. EDUCATION

UNCW provides a program of education designed to help all members of the university community avoid abuse of illegal drugs. Education programs:

A. Provide a system of accurate, current information exchange on the health risks and symptoms of drug use for students, faculty and staff.

B. Promote and support institutional activity programming that discourages substance abuse.
C. Establish collaborative relationships between community groups and agencies and the institution for education, treatment and referral.
D. Provide training programs for students, faculty and staff to enable them to detect problems related to drug use, and to refer persons with these problems to appropriate assistance.
E. Include information about drugs for students and family members in the student orientation programs. The use of prescription and over-the-counter drugs will be addressed.
F. Support and encourage faculty in incorporating education about drugs into the curriculum where appropriate.
G. Develop a coordinated effort across campus for drug related education, treatment and referral.

IV. COUNSELING AND REHABILITATION

A. UNCW provides information about drug counseling and rehabilitation services to members of the university community. Persons who voluntarily avail themselves of university services can be assured that applicable professional standards of confidentiality will be observed. Counseling and rehabilitation services include:
    1. Training for professional staff and student staff on drug abuse information, intervention and referral.
    2. Education programs for students who have demonstrated abusive behavior with drugs.
    3. Assessment, counseling and referrals for students.
    4. Consultation, information and referrals for students, staff and faculty.

B. In providing the above strategies, it is recognized that some campus constituents may prefer professional assistance external to the campus. Therefore, CROSSROADS: Substance Abuse Prevention and Education Program will collaborate with the Counseling Center in the development of appropriate referral mechanisms for these individuals. A listing of off-campus resources for assistance and referral is available for those who choose that option. In the development of this program, it is desired that faculty, students, administrators and other employees be comfortable in the manner in which they are served and have a choice in the selection of appropriate assistance. Individuals served in the Counseling Center on campus can be assured that applicable confidentiality will be maintained.

V. ENFORCEMENT AND PENALTIES

A. ENFORCEMENT

In seeking to enforce established university policy, the University of North Carolina Wilmington will:

1. Publicize all drug policies.
2. Consistently enforce drug policies.
3. Exercise appropriate disciplinary action for drug policy violations.

B. PENALTIES

UNCW shall take actions necessary, consistent with state and federal law and applicable university policy to eliminate illegal drugs from the university community. University policy on illegal drugs is publicized in the university catalog, student and faculty handbooks, student orientation material, letters to students and parents, residence hall meetings and faculty and employee meetings.

Students and faculty members, administrators and other employees are responsible as citizens for knowing about and complying with the provisions of the North Carolina law that makes it a crime to possess, sell, deliver or manufacture drugs designated collectively as "controlled substances" in Article V, Chapter 90 of the North Carolina General Statutes (see State Law I). Any member of the university community who violates that law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by UNCW. It is not "double jeopardy" for both the civil authorities and the university to proceed against and adjudicate a person for the same specified conduct. The university will initiate its own disciplinary proceedings against the student, faculty member, administrator or other employee when the alleged conduct is deemed to affect the interest of the university.

Penalties will be imposed by UNCW in accordance with procedural safeguards applicable to disciplinary actions against students (see *Code of Student Life*, Section II), faculty members (see *Policies of Academic Freedom and Tenure*, UNCW, Section VII), and administrators and other employees (see *Procedure No. PER 6.10* and *Personnel Policies for Designated Employment Exempt from State Personnel Act - EPA Administrative Positions*)[3].

The penalties to be imposed by the university may range from written warning with probationary status to expulsion from enrollment and discharge from employment; however, the following minimum penalties shall be imposed for the particular offenses described.

1. ***TRAFFICKING IN ILLEGAL DRUGS***
   a. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or

[3] Rules of the State Personnel Commission govern the disciplinary actions that may be taken against SPA employees. Under current commission regulations discharge, rather than suspension, is the applicable penalty for SPA employees in those instances where this policy otherwise requires suspension.

deliver any controlled substance identified in Schedule I, North Carolina General Statutes 90-89, or Schedule II, North Carolina General Statutes, 90-90 (including, but not limited to heroin, mescaline, lysergic acid diethylamide, opium, cocaine, amphetamine, methaqualone), any student shall be expelled and any faculty member, administrator or other employee shall be discharged.

b. For a first offense involving the illegal manufacture, sale or delivery, or possession with intent to manufacture, sell or deliver any controlled substance identified in Schedules III through VI, North Carolina General Statutes 90-91 through 90-94, (including, but not limited to, marijuana, phenobarbitals, codeine), the minimum penalty shall be suspension from enrollment or from employment[3] for a period of at least one semester or its equivalent. For a second offense, any student shall be expelled, and any faculty member, administrator or other employee shall be discharged.

2. ***ILLEGAL POSSESSION OF DRUGS***

a. For a first offense involving the illegal possession of any controlled substance identified in Schedule I, North Carolina General Statutes 90-89, or Schedule II, North Carolina General Statutes 90-90, the minimum penalty shall be suspension from enrollment or from employment[3] for a period of at least one semester or its equivalent.

b. For a first offense involving the illegal possession of any controlled substance identified in Schedules III through VI, North Carolina General Statutes 90-91 through 90-94, the minimum penalty shall be probation for a period to be determined on a case-by-case basis. A person on probation must agree to participate in a drug education and counseling program, consent to regular drug testing, and accept such other conditions and restrictions, including a program of community service, as the chancellor or chancellor's designee deems appropriate. Refusal or failure to abide by the terms of probation shall result in suspension from enrollment or employment[2] for any unexpired balance of the prescribed period of the probation.

c. For the second or other subsequent offenses involving the illegal possession of controlled substances, progressively more severe penalties shall be imposed, including expulsion of students and discharge of faculty members, administrators and employees.

3. ***SUSPENSION PENDING FINAL DISPOSITION***

a. When a student, faculty, administrator or university employee has been charged by UNCW with a violation of policies

concerning illegal drugs, he/she may be suspended from enrollment and/or employment before initiation or completion of regular disciplinary proceedings if, assuming the truth of the charges, the chancellor, or in the chancellor's absence, the chancellor's designee, concludes that the person's continued presence within the university community would constitute a clear and immediate danger to the health or welfare of other members of the university community; provided that, if such a suspension is imposed, an appropriate hearing of the charges against the suspended person shall be held as promptly as possible thereafter.

VI. ASSESSMENT

A. UNCW shall in its effort to continually assess the campus environment:
   1. Appraise the institutional environment as an underlying cause of drug abuse.
   2. Assess campus awareness, attitudes and behaviors regarding the use of drugs and employ results in program development.
   3. Collect and use drug related summary information from police and security reports to guide program development.
   4. Collect and use summary data regarding health, counseling and client information to guide program development.
   5. Collect summary data regarding drug related disciplinary actions and use it to guide program development.

B. Annually, the chancellor shall submit to the Board of Trustees a report of campus activities related to illegal drugs for the proceeding year. The report shall include the following:
   1. A listing of major education activities conducted during the year;
   2. A report on any illegal drug related incidents, including any sanctions imposed;
   3. An assessment by the chancellor of the effectiveness of the campus program; and
   4. Any proposed changes in university policy on illegal drugs.

The chancellor shall provide a copy of this report to the President.

Penalties

	STATE LAW		UNCW POLICY	
SCHEDULE	**POSSESSION** (minimum penalties)	**SALE/ MANUFACTURE**	**POSSESSION** (minimum penalties)	**SALE/ MANUFACTURE**
I Heroin, LSD, Peyote, Mescaline, Psilocybin, Methaqualone, PCP,MDA	See **Note 1** and **G.S. 90-95 (d-f)**	Maximum penalty 219 months in prison plus fine not less than $200,000 Class D Felony	Suspension from enrollment or employment for at least one semester	Expulsion of student, discharge of employee
II Morphine, Demerol, Codeine, Percodan, Percocet, Fentanyl, Dilaudid, Secondal, Nembural, Cocaine, Amphetamines, Anabolic Steroids, Methamphetamine	See **Note 2** and **G.S. 90-95 (d-f)**	219 months in prison plus fine not less than $250,000. If opium or opiate, 279 months in prison plus fine not less than $500,000 Class C Felony		
III Certain Barbiturates in Codeine-containing medicine (Tylenol #3, Empirin #3, Tussionex)			Probation to be determined on a case-by-case basis. Must agree to an assessment and/or drug test, drug education or counseling. Failure to do so shall result in suspension for the remaining period of probation. Subsequent offenses may involve more severe penalties, expulsion or discharge.	First offense: Suspension for one semester Second offense: Expulsion or discharge
IV Barbiturates, narcotics, and stimulants, including Valium, Talwin, Librium, Darvon, Tranzene, Serax, Equanil, Ionamin, Rohypnol				
V Compounds with limited Codeine, such as Terpine Hydrate, Robitussin AC	See **Note 3** and **G.S. 90-95 (d-f)**			
VI Marijuana, THC, Hashish, Hash Oil	See **Note 4** and **G.S. 90-95 (d-f)**	Maximum penalty 219 months in prison plus fine not less than $200,000 Class D Felony		

Note 1 *For a Schedule I substance*, the crime is a Class I felony.

Note 2 *For a Schedule II, III, or IV substance*, if the amount possessed is:

(a) more than 100 tablets, capsules, or dosage units, or

(b) more than four tablets, capsules, dosage units of dilaudid (chemically known as "hydromorphone"), or

(c) any amount of cocaine, phencyclidine, methamphetamine or amphetamine the crime is a Class I felony. For possession of a lesser amount of a Schedule II, III, or IV substance, the crime is a Class 1 misdemeanor.

Note 3 *For a Schedule V Substance*, the crime is a Class 2 misdemeanor.

Note 4 *For a Schedule VI substance*,

(a) a defendant's first conviction for possession of up to a half-ounce of marijuana or up to one-twentieth of an ounce of hashish is punishable as a Class 3 misdemeanor, and any sentence of imprisonment must be suspended and the defendant may not be required to serve active time as a special condition of probation;

(b) possession of more than a half-ounce of marijuana and up to one and a half ounces of marijuana or more than one-twentieth of an ounce and up to three-twentieths of an ounce of hashish is a Class 1 misdemeanor;

(c) possession of more than one and a half ounces of marijuana, more than three-twentieths of an ounce of hashish, or any amount of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from marijuana resin is a Class I felony.

REFERRAL PROCESS

Procedure for Alcohol and Other Drug-Related Disciplinary Referrals

I. An administrative hearing officer or Campus Judicial Board determines if a disciplinary violation involves the abuse of alcohol or other drugs or if any alcohol or other drug policy was violated. If so:

   A. The administrative hearing officer/CJB may require that the student attend "Challenging Decisions" (CD) education program. This program is presented by CROSSROADS: Substance Abuse Prevention and Education Program. A class is scheduled for all referred students.

   B. In cases involving a marijuana violation, second alcohol violation or if the violation involved "extraordinary" circumstances related to alcohol or other drug use:

      1. Student is referred to the Counseling Center for a substance abuse assessment. The student may alternatively choose to have the assessment conducted by an off-campus cooperating agency, at his/her own expense.
      2. If the student is found responsible for a first-time marijuana violation, they will also be required to attend an education intervention specifically addressing marijuana use, referred to as Challenging Decisions – Marijuana.
      3. If the student had been found responsible for an earlier violation and had not been required to attend the CD program, attendance may be required for this violation.

II. If the student is referred for a substance abuse assessment, the administrative hearing officer/CJB will ask the student to sign a consent release on the Decision of Hearing form. By signing, the student agrees to release a summary of the assessing counselor's recommendations regarding the referred student to the Office of the Dean of Students. The Decision of Hearing form will also include deadlines for scheduling the assessment.

III. If the student is referred to the CD and/or CD-M education program, the Decision of Hearing form will also indicate the deadline by which attendance must be completed. It is the student's responsibility to schedule and attend the CD class through the Office of the Dean of Students.

IV. It is the student's responsibility to schedule and attend an assessment appointment with the Counseling Center (or with an appropriate off-campus agency). If the student fails to show for his/her assessment appointment, the Office of the Dean of Students will be notified and a student will be assessed at $30.00 fee. A student who misses a second scheduled substance assessment will be required to have the assessment conducted at an off-campus agency.

V. If a student who has been referred to a substance assessment, CD, CD-M or other educational sanction fails to attend his/her scheduled appointment, the Office of the Dean of Students is notified. Attendance is verified in writing by CROSSROADS/Counseling staff and is forwarded to the Office of the Dean of Students for addition to students' judicial file. A registration "hold" will be placed on the student and "failure to comply" charges may be pursued if sanctions are not completed in a timely manner.

RESOURCES

UNIVERSITY RESOURCES

Office of the Dean of Students **962-3119**
University Union, Room 214, 8:00 a.m. – 5:00 p.m.
The Office of the Dean of Students takes great pride in the student body; however, it realizes that UNCW is not immune to the various problems that afflict many campuses. The staff is here to help individuals who seek assistance in dealing with a substance abuse problem and support their endeavors in dealing with it. When situations arise that violate university, state, or federal laws, all appropriate actions are taken in order to enforce these policies as well as help the individual student.

CROSSROADS: Substance Abuse Prevention & Education Program
Westside Hall, Second Floor, 8:00 a.m. – 5:00 p.m. **962-4136**
CROSSROADS: Substance Abuse Prevention & Education Program is responsible for providing a systematic and comprehensive set of services for substance abuse education and prevention to all segments of the university community. The center serves as a highly visible and accessible multimedia resource area containing drug education materials, as well as information on alternatives to drug abuse, and how to help someone else. Personal growth and self-concept enriching experiences are provided to students through alternative learning opportunities. The center serves as a clearinghouse for other campus and community resources, providing consultation, information or referral as appropriate. Educational programs are provided as requested in conjunction with faculty; additional educational opportunities for the campus as a whole are offered as requested.

Information sessions about health risks, decision-making, drinking behaviors, smoking cessation, legal responsibilities, party planning and university regulations are available to students, clubs, organizations and residence life groups.

*The terms "substance" and "drug" are intended to include all psychoactive chemicals including alcohol, nicotine, stimulants, depressants, opiates and hallucinogens.

Counseling Center **962-3746**
Westside Hall, Second Floor, 8:00 a.m. – 5:00 p.m.
In addition to personal counseling on a wide range of issues facing college students, the Counseling Center offers specific substance abuse services, including counseling for alcohol and other drug issues for students affected by their own or another person's use/abuse.

Individual substance abuse assessments, counseling, consultation and off-campus referrals, when needed, are available. Group counseling may be offered, as appropriate. The overall approach is that of providing a non-judgmental confidential environment in which students can address problems they are experiencing with alcohol and other drugs while receiving support for achieving desired changes.

Student Health Center **962-3280**
Westside Hall, Second Floor, 8:00 a.m. – 5:00 p.m., Monday, Tuesday, Wednesday and Friday; 9:00 a.m. – 5:00 p.m., Thursday
The Student Health Center offers a full scope of general and acute services for students. In addition, it can perform medical assessments and provide information on drug screening. The center can also refer students to appropriate facilities for detoxification or treatment.

Health Promotion **962-4137**
Campus Recreation Center, 8:00 a.m. – 5:00 p.m.
Wellness Services is the campus resource for wellness-based educational programs, direct care consultations and referrals, interactive health software programs and on-site informational resources.

University Police **962-3184**
Walton Drive - University Police Department
The Department of Public Safety is always working to help make the college experience enjoyable and crime-free. One of the duties of University Police is to enforce all alcohol and other drug-related rules, regulations and state laws. When these are violated, it is necessary to take action.

Housing & Residence Life **962-3241**
Office of Housing & Residence Life, 8:00 a.m. – 5:00 p.m.
The Housing & Residence Life program is designed to help students living in the residence halls. The resident assistants and resident coordinators have been trained and are knowledgeable about drug information and basic listening skills. They are there to assist. The residence life program also has the responsibility of

enforcing federal, state and local laws and the university drug policies. Violations of the law will be addressed and every effort will be made to help students deal with drug-related issues.

Although consumption of alcoholic beverages is not encouraged by the university, students are permitted to possess and consume alcoholic beverages in their rooms provided that they comply with state laws. However, no non-resident can bring alcohol into the residence halls and no one of legal drinking age may consume alcohol in the room where a student is not of legal drinking age. The student's room is considered "dry" and thus off-limits to the consumption of alcohol. In addition to the UNCW policies regarding the possession and consumption of alcoholic beverages and marketing of alcoholic beverages, the following rule pertains to residence halls: there are to be no kegs or common containers of beer or alcohol in the students' rooms or elsewhere in the residence halls, apartments or suite buildings except during official residence life functions where an alcoholic beverage permit has been completed in the Office of the Dean of Students and approved by the chancellor.

Athletic Department **962-3232**
Trask Coliseum, 8:00 a.m. – 5:00 p.m.
UNCW athletes have a shared responsibility with other students, faculty members, administrators and other university employees to uphold the academic integrity of the university. The responsibility includes the fight against illegal drugs. As highly visible members of the university community, athletes are in a strategic position to serve in the battle against drugs by exemplifying high standards of professional and personal conduct.

As with all students, UNCW athletes are subject to all university policies, procedures and programs regarding drugs. As members of the Colonial Athletic Association, UNCW athletes are afforded an additional drug identification and intervention program offered by the conference to all member institutions. The emphasis of the program is education, identification and intervention. It is an excellent player awareness program which is highly focused on prevention.

COMMUNITY RESOURCES

Following is a partial listing of substance abuse services available in the Wilmington area. For additional resources, contact CROSSROADS: Substance Abuse Prevention & Education Program at 962-4136, or the UNCW Student Development Center at 962-3746.

Coastal Horizons Center, Inc. **343-0145 or 762-5333**
721 Market Street, 3rd Floor, Wilmington, NC 28401
The Coastal Horizons Center, Inc. is a public center providing information, education, referral, counseling and outpatient treatment. Fees for counseling and treatment are charged on a sliding scale.

Crisis Line **(910) 392-7408 or 1-800-672-2903**
3333 Wrightsville Avenue, Suite 100, Wilmington, NC 28403
24–hour operation
Crisis Line is a 24–hour hot line for any personal or family crisis, including alcohol and drug–related issues. Crisis Line Open House provides counseling and shelter for adolescents.

Treatment Alternatives to Street Crime (T.A.S.C.) **762-5333**
721 Market Street, Suite 100,
Wilmington, NC 28401
T.A.S.C. is a public drug-treatment program intended for criminal offenders.

Tri-County Center **251-6530**
2023 South 17th Street, Wilmington, NC 28401
Tri-County Center is a public medical non-hospital inpatient detoxification and outpatient treatment program serving New Hanover, Pender and Brunswick Counties. The center provides information, education, assessment, counseling, treatment and referrals on an outpatient basis. A crisis center is available for walk-ins on the weekends from midnight Friday until Monday morning. Fees are charged on a sliding scale.

Drug Enforcement Administration **343-4513**
Alton Lennon Federal Bldg. 2 Princess Street,
Room 322, Wilmington, NC 28401
The D.E.A. provides drug information and education, and is available to participate in conferences and seminars relating to illegal drugs.

New Hanover County Sheriff's Department **341-4266 or 341-4200**
20 N. 4th Street, Wilmington, NC 28401
The Sheriff's Department offers a crime prevention program which includes presentations on alcohol and other drugs.

Wilmington Police Department **343-3600**
115 Red Cross Street, Wilmington, NC 28401
The Police Department provides crime prevention programs and is available to make presentations relating to alcohol and other drugs.

New Hanover County Health Department **343-6500**
2029 S. 17th Street, Wilmington, NC 28401
The Health Department provides drug and alcohol information and referral.

American Lung Association **395-5864**
P.O Box 3577, 4006 Oleander Drive, Wilmington, NC 28403
The American Lung Association provides the public (free of charge) information and counseling on such drugs as nicotine and marijuana, and other drugs affecting the respiratory system.

Alcoholics Anonymous (AA) **762-1230**
Intergroup Office
3130 Wrightsville Avenue, Wilmington, NC 28403

Al-Anon **341-7222**

Narcotics Anonymous **452-6034**

North Carolina Association of Adult Children of Alcoholics (ACOA) **(919) 783-7733**

Fetal Alcohol Hotline **(800) 532-6302**

National Clearinghouse for Alcohol Information **(301) 468-2600**

Schools Without Drugs (U.S. Department of Education) **(800) 624-0100**

NORTH CAROLINA GENERAL STATUTES ON ALCOHOLIC BEVERAGES

(Printed in part)

14-443. DEFINITIONS

As used in this Article:

(1) "Alcoholism" is the state of a person who habitually lacks self-control as to the use of alcoholic beverages, or uses alcoholic beverages to the extent that his health is substantially impaired or endangered or his social or economic function is substantially disrupted, and

(2) "Intoxicated" is the condition of a person whose mental or physical functioning is presently substantially impaired as a result of the use of alcohol; and

(3) A "public place" is a place which is open to the public, whether it is publicly or privately owned. (1977, 2nd Sess., C. 1134, s. 1; 1981, c. 412, s. 4; c. 747, s. 66.)

14-444. INTOXICATED AND DISRUPTIVE IN PUBLIC

(a) It shall be unlawful for any person in a public place to be intoxicated and disruptive in any of the following ways:

(1) Blocking or otherwise interfering with traffic on a highway or public vehicular area, or

(2) Blocking or lying across or otherwise preventing or interfering with access to or passage across a sidewalk or entrance to a building, or

(3) Grabbing, shoving, pushing or fighting others or challenging others to fight, or

(4) Cursing or shouting at or otherwise rudely insulting others, or

(5) Begging for money or other property.

(b) Any person who violates this section shall be guilty of a Class 3 misdemeanor. Notwithstanding the provisions of G.S. 7A-273(1), a magistrate is not empowered to accept a guilty plea and enter judgment for this offense. (1977, 2nd Sess., c. 1134, s.1; 1993, c. 539, s. 292; Ex. Sess., c. 24, s.14(c).)

14-445. DEFENSE OF ALCOHOLISM

(a) It is a defense to a charge of being intoxicated and disruptive in a public place that the defendant suffers from alcoholism.

(b) The presiding judge at the trial of a defendant charged with being intoxicated and disruptive in public shall consider the defense of alcoholism even though the defendant does not raise the defense, and may request additional information on whether the defendant is suffering from alcoholism.

(c) Whenever any person charged with committing a misdemeanor under G.S. 14-444 enters a plea to the charge, the court may, without entering a judgment, defer further proceedings for up to 15 days to determine whether the person is suffering from alcoholism.

(d) If he believes it will be of value in making his determination, the district court judge may direct an alcoholism court counselor, if available; to conduct a pre-hearing review of the alleged alcoholic's drinking history in order to gather additional information as to whether the defendant is suffering from alcoholism. (1977, 2nd Sess., c. 1134, s.1; 1981, c.519, s.1.)

14-447. NO PROSECUTION FOR PUBLIC INTOXICATION

(a) No person may be prosecuted solely for being intoxicated in a public place. A person who is intoxicated in a public place and is not disruptive may be assisted as provided in G.S. 122C-301.

(b) If, after arresting a person for being intoxicated and disruptive in a public place, the law-enforcement officer making the arrest determines that the person would benefit from the care of a shelter or health-care facility as provided by G.S. 122C-301, and that he would not likely be disruptive in such a facility, the officer may transport and release the person to the appropriate facility and issue him a citation for the offense of being intoxicated and disruptive in a public place. This authority to arrest and then issue a citation is granted as an exception to the requirements of G.S. 15A-501(2). (1977, 2nd Sess., c.1134, s.1; 1981, c.519, s.2; 1985, c.589, s.7.)

122C-301.ASSISTANCE TO AN INDIVIDUAL WHO IS INTOXICATED IN PUBLIC; PROCEDURE FOR COMMITMENT TO SHELTER OR FACILITY

(a) An officer may assist an individual found intoxicated in a public place by taking any of the following actions:

(1) The officer may direct or transport the intoxicated individual home;

(2) The officer may direct or transport the intoxicated individual to the residence of another individual willing to accept him;

(3) If the intoxicated individual is apparently in need of and apparently unable to provide for himself food, clothing, or shelter but is not apparently in need of immediate medical care, the officer may direct or transport him to an appropriate public or private shelter facility.

(4) If the intoxicated individual is apparently in need of but apparently unable to provide for himself immediate medical care, the officer may direct or transport him to an area facility, hospital, or physician's office; or the officer may direct or transport the individual to any other appropriate health care facility; or

(5) If the intoxicated individual is apparently a substance abuser and is apparently dangerous to himself or others, the officer may proceed as provided in Part 8 of this Article.

(b) In providing the assistance authorized by subsection (a) of this section, the officer may use reasonable force to restrain the intoxicated individual if it appears necessary to protect himself, the intoxicated individual, or others. No officer may be held criminally or civilly liable for assault, false imprisonment, or other torts or crimes on account of reasonable measures taken under authority of this Part.

(c) If the officer takes the action described in either subdivision (a)(3) or (a)(4) of this section, the facility to which the intoxicated individual is taken may detain him only until he becomes sober or a maximum of 24 hours. The individual may stay a longer period if he wishes to do so and the facility is able to accommodate him.

(d) Any individual who has knowledge that a person assisted to a shelter or other facility under subdivisions (a)(3) or (a)(4) of this section is a substance abuser and is dangerous to himself or others may proceed as provided in Part 8 of this Article. (1977, 2nd Sess., c. 1134, s. 2; 1981, c. 519, s. 5; 1985, c. 589, s. 2.)

OTHER PROVISIONS

18B-300. PURCHASE, POSSESSION AND CONSUMPTION OF MALT BEVERAGES AND UNFORTIFIED WINE

(a) Generally. - Except as otherwise provided in this Chapter, the purchase, consumption, and possession of malt beverages and unfortified wine by individuals 21 years old and older for their own use is permitted without restriction.

(b) [Omitted]

(c) Local Ordinance. - A city or county may by ordinance:

(1) Regulate or prohibit the consumption of malt beverages and unfortified wine on the public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county;

(2) Regulate or prohibit the possession of open containers of malt beverages and unfortified wine on public streets in that city or county by persons who are not occupants of motor vehicles and on property owned, occupied, or controlled by that city or county; and

(3) Regulate or prohibit the possession of malt beverages and unfortified wine on public streets, alleys, or parking lots which are temporarily closed to regular traffic for special events.

For the purposes of this subsection, an open container means a container whose seal has been broken or a container other than the manufacturer's unopened original container. As provided by G.S. 18B-102(a), possession or consumption of alcoholic beverages is unlawful except as authorized by the ABC Law.

18B-301. POSSESSION AND CONSUMPTION OF FORTIFIED WINE AND SPIRITOUS LIQUOR

(a) Possession at Home. - It shall be lawful, without an ABC permit, for any person at least 21 years old to possess for lawful purposes any amount of fortified wine and spirituous liquor at his home or a temporary residence, such as a hotel room.

(b) Possession on Other Property. - It shall be lawful, without an ABC permit, for a person to possess for his personal use and the use of his guests not more than eight liters of fortified wine or spirituous liquor, or eight liters of the two combined, at the following places:
   (1) The residence of any other person with that person's consent;
   (2) Any other property not primarily used for commercial purposes and not open to the public at the time the alcoholic beverage is possessed, if the owner or other person in charge of the property consents to that possession and consumption;
   (3) An establishment with a brown-bagging permit as defined in B.S. 18B-1001(7).

(c) Special Occasions. It shall be lawful for a person to possess, without a permit and not for sale, any amount of fortified wine or spirituous liquor for a private party, private reception, or private special occasion, at the following places:
   (1) His home or a temporary residence, such as a hotel room;
   (2) Any other property not primarily used for commercial purposes, which is under his exclusive control and supervision, and which is not open to the public during the event;
   (3) The licensed premises of any business for which the Commission has issued a special occasions permit under G.S. 18B-1001(8), if he is the host of that private function and has the permission of the permittee.

(d) Consumption. - It shall be lawful for a person to consume fortified wine and spirituous liquor in any place where it is lawful for him to possess those alcoholic beverages under subsections (a) through (c).

(e) [Omitted]

(f) Unlawful Possession or Use. - As illustration, but not limitation, of the general prohibition stated in G.S. 18B-102(a), it shall be unlawful for:
   (1) Any person to consume fortified wine, spirituous liquor, or mixed beverages or to offer such beverages to another person:
      (a)[Omitted]
      (b)Upon any property used or occupied by a local board, or
      (c)On any public, street, highway, or sidewalk.
   (2) Any person to display publicly at an athletic contest fortified wine, spirituous liquor, or mixed beverages;
   (3) Any person to permit any fortified wine, spirituous liquor, or mixed beverages to be possessed or consumed upon any premises not authorized by this Chapter;

(4) Any person to possess or consume any fortified wine, spirituous liquor, or mixed beverages upon any premises where such possession or consumption is not authorized by law, or where the person has been forbidden to possess or consume that beverage by the owner or other person in charge of the premises;

(5) Any person to possess on any of the premises described in subsections (a) through (c) a greater amount of fortified wine or spirituous liquor than authorized by this Chapter;

(6) Any permittee, other than a mixed beverage or culinary permittee, to possess spirituous liquor or mixed beverages on his licensed premises;

(7) Any person to possess on his person or consume malt beverages or unfortified wine upon any property owned or leased by a local board of education and used by the local board of education for school purposes. Provided, however, the prohibition in G.S. 18B-102(a) and this subdivision shall not apply on property owned by a local board of education which was leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of aldermen, a county board of commissioners, or a local school board.

18B-302.SALE TO OR PURCHASE BY UNDERAGE PERSONS

(a) Sale. - It shall be unlawful for any person to:

(1) Sell or give malt beverages or unfortified wine to anyone less than 21 years old; or

(2) Sell or give fortified wine, spirituous liquor, or mixed beverages to anyone less than 21 years old.

(b) Purchase or Possession. - It shall be unlawful for:

(1) A person less than 21 years old to purchase, to attempt to purchase, or to possess malt beverages or unfortified wine; or

(2) A person less than 21 years old to purchase, to attempt to purchase, or to possess fortified wine, spirituous liquor, or mixed beverages.

(c) Aider and Abettor.

(1) By underage Person. - Any person who is under the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall be guilty of a Class 2 misdemeanor.

(2) By Person over Lawful Age. - Any person who is over the lawful age to purchase and who aids or abets another in violation of subsection (a) or (b) of this section shall by guilty of a Class 1 misdemeanor.

(d) Defense. - It shall be a defense to a violation of subsection (a) of this section if the seller:

(1) Shows that the purchaser produced a driver's license, a special identification card issued under G.S.20-37.7, a military identification card, or a passport, showing his age to be at least the

required age for purchase and bearing a physical description of the person named on the card reasonably describing the purchaser; or

(2) Produces evidence of other facts that reasonably indicated at the time or sale that the purchaser was at least the required age.

(e) Fraudulent Use of Identification. - It shall be unlawful for any person to enter or attempt to enter a place where alcoholic beverages are sold or consumed, or attempt to obtain alcoholic beverages, or to obtain or attempt to obtain permission to purchase alcoholic beverages, in violation of subsection (b) of this section by using or attempting to use any of the following:

(1) A fraudulent or altered driver's license;

(2) A fraudulent or altered identification document other than a driver's license;

(3) A driver's license issued to another person; or

(4) An identification document other than a driver's license issued to another person.

(5) Any other form or means of identification that indicates or symbolizes that the person is not prohibited from purchasing or possessing alcoholic beverages under this section.

(f) Allowing Use of Identification. - It shall be unlawful for any person to permit the use of the person's driver's license or any other form of identification of any kind issued or given to the person, by any other person who violates or attempts to violate subsection (b) of this section.

(g) Conviction Report Sent to Division of Motor Vehicles. - The court shall file a conviction report with the Division of Motor Vehicles indicating the name of the person convicted and any other information requested by the Division if the person is convicted of:

(1) A violation of subsection (e) or (f) of this section; or

(2) A violation of subdivision (c) (1) of this section; or

(3) A violation of subsection (b) of this section, if the violation occurred while the person was purchasing or attempting to purchase an alcoholic beverage. Upon receipt of a conviction report, the division shall revoke the person's license as required by G.S. 20-17.3

(h) [Omitted]

(i) Purchase or possession by 19 or 20 year old. A violation of subdivision (b)(1) of this section by a person who is 19 or 20 years old is a Class 3 misdemeanor (1933, c. 216, s. 8; 1959, c. 745, s. 1; 1967, c. 222, s. 3; 1969, c. 998; 1971, c. 872, s. 1; 1973, c. 27; 1977, 2nd Sess., c. 1138, s. 2; 1979, c. 683, s. 2; 1981, c. 412, s. 2; c. 747, ss. 40, 41; 1983, c. 435, ss. 32, 35; c. 740, ss. 1, 2; Ex. Sess., c. 5; 1985, c. 141, ss. 2-3; 1993, c. 539, s. 311; 1994, Ex. Sess., c. 24, s. 14(c); 1999-406, s.7.)

SECTION 18B-302.1. PENALTIES FOR CERTAIN OFFENSES RELATED TO UNDERAGE PERSONS

(a) A violation of G.S. 18B-302(a) is a Class 1 misdemeanor. Notwithstanding the provisions of G.S. 15A-1340.23, if the court imposes a sentence that does not include active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least two hundred fifty dollars ($250.00)as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 25 hours of community service, as authorized by G.S. 15A-1343(b1)(6). If the person has a previous conviction of this offense in the four years immediately preceding the date of the current offense, and the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least five hundred dollars ($500.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 150 hours of community service, as authorized by G.S. 15A-1343 (b1)(6).

(b) A violation of G.S. 18B-302(c)(2) is a Class 1 misdemeanor. Notwithstanding the provisions of G.S. 15A-1340.23, if the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a fine of at least five hundred dollars ($500.00) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 25 hours of community service, as authorized by G.S. 15A-1343(b1)(6). If the person has a previous conviction of this offense in the four years immediately preceding the date of the current offense, and the court imposes a sentence that does not include an active punishment, the court must include among the conditions of probation a requirement that the person pay a find of no less than one thousand dollars ($1000) as authorized by G.S. 15A-1343(b)(9) and a requirement that the person complete at least 150 hours of community service, as authorized by G.S. 15-1343(b1)(6).

(c) In addition to the punishments imposed under this section, the court may imposed the provisions of G.S. 18B-202 and G.S. 18B-503, 18B-504, and 18B-505. (1999-433, s. 1.)

18B-303.AMOUNTS OF ALCOHOLIC BEVERAGES THAT MAY BE PURCHASED

(a) Purchases Allowed. - Without a permit, a person may purchase at one time:

(1) Not more than 80 liters of malt beverages, other than draft malt beverages in kegs;

(2) Any amount of draft malt beverages in kegs;

(3) Not more than 50 liters of unfortified wine;

(4) Not more than eight liters of either fortified wine or spirituous liquor, or eight liters of the two combined.

(b) Unlawful Purchase. - Except as provided in subsection (c) and in Article 11, it shall be unlawful for any person to purchase, or for any person to sell, an amount of alcoholic beverages greater than that stated in subsection (a).

(c) Greater Amounts. - Amounts of alcoholic beverages greater than those listed in subdivisions (a) (3) and (a) (4) may be purchased with a purchase-transportation permit under G.S. 18B-403.

18B-304.SALE AND POSSESSION FOR SALE

(a) Offense. - It shall be unlawful for any person to sell any alcoholic beverage, or possess any alcoholic beverage for sale, without first obtaining the applicable ABC permit and revenue licenses.

(b) Prima Facie Evidence. - Possession of the following amounts of alcoholic beverages, without a permit authorizing that possession shall be prima facie evidence that the possessor is possessing those alcoholic beverages for sale:

(1) More than 80 liters of malt beverages, other than draft malt beverages in kegs;

(2) More than eight liters of spirituous liquor; or

(3) Any amount of non-tax-paid alcoholic beverages.

18B-400.AMOUNTS THAT MAY BE TRANSPORTED

A person may transport at one time the same amount of alcoholic beverages that he is allowed to buy under G.S. 18B-303(a). Greater amounts of fortified wine, unfortified wine and spirituous liquor may be transported with a purchase-transportation permit under G.S. 18B-403. The Commission may also authorize a distillery representative, in the course of his business, to transport and possess up to 10 gallons of spirituous liquor.

18B-401.MANNER OF TRANSPORTATION

(a) Opened Containers. - It shall be unlawful for a person to transport fortified wine or spirituous liquor in the passenger area of a motor vehicle in other than the manufacturer's unopened original container. It shall be unlawful for a person who is driving a motor vehicle on a highway or public vehicular area to consume in the passenger area of that vehicle any malt beverage or unfortified wine. Violation of this subsection shall constitute a Class 3 misdemeanor.

(b) [Omitted.]

(c) Definitions. – The definitions in Chapter 20 of the General Statutes apply in interpreting this section. If the seal on a container of alcohol has been broken, it is opened within the meaning of this section. For purposes of this section, "passenger area of a motor vehicle" means the area designated to seat the driver and passengers and any are within the reach

of a seated driver or passenger, including the glove compartment. In the case of a station wagon, hatchback or similar vehicle, the area behind the last upright back seat shall not be considered part of the passenger area. (1923, c. 1, s. 25; C.S., s. 3411(y); 1937, c. 49, ss. 14, 16; c. 411; 1967, c. 222, ss. 1, 7; c. 1256, s. 3; 1969, c. 598, ss. 2, 3; c. 1018; 1971, c. 872, s. 1; 1977, c. 176, s. 1; c. 586; 1979, c. 607, s. 1; 1981, c. 412, s. 2; c. 747, s. 45; 1983, c. 435, s. 7; 1989, c. 553, s. 3; 1993, c. 508, s. 4, c. 539, s. 312; 1994, Ex. Sess., c. 24, s. 14 (c).)

18B-1006. MISCELLANEOUS PROVISIONS ON PERMITS

(a) School and College Campuses. - No permit for the sale of malt beverages, unfortified wine, or fortified wine shall be issued to a business on the campus or property of a public school or college, other than at a regional facility as defined by G.S. 160A-480.2 operated by a facility authority under Part 4 of Article 20 of Chapter 160A of the General Statutes except for a public school or college function, unless that business is a hotel or nonprofit alumni organization with a mixed beverages permit or a special occasion permit. Provided, however, this subsection shall not apply on property owned by a local board of education which was leased for 99 years or more to a nonprofit auditorium authority created prior to 1991 whose governing board is appointed by a city board of aldermen, a county board of commissioner, or a local school board.

20-138.1. IMPAIRED DRIVING

(a) Offense. - A person commits the offense of impaired driving if he drives any vehicle upon any highway, any street, or any public vehicular area within this state:
   (1) While under the influence of an impairing substance; or
   (2) After having consumed sufficient alcohol that he has, at any relevant time after the driving, an alcohol concentration of 0.08 or more.

(b) Defense Precluded. - The fact that a person charged with violating this section is or has been legally entitled to use alcohol or a drug is not a defense to a charge under this section.

(c) Pleading. - In any prosecution for impaired driving, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that the defendant drove a vehicle on a highway or public vehicular area while subject to an impairing substance.

(d) Sentencing Hearing and Punishment. - Impaired driving as defined in this section is a misdemeanor. Upon conviction of a defendant of impaired driving, the presiding judge must hold a sentencing hearing and impose punishment in accordance with G.S. 20-179. (1983, c. 435, s. 24.)

(e) Exception. - Notwithstanding the definition of "vehicle" pursuant to G.S. 20-4.01(49), for purposes of this section the word "vehicle" does not include a horse, bicycle, or lawnmower.

20-138.3. DRIVING BY PERSON LESS THAN 21 YEARS OLD AFTER CONSUMING ALCOHOL OR DRUGS

(a) Offense. - It is unlawful for a person less than 21 years old to drive a motor vehicle on a highway or public vehicular area while consuming alcohol or at any time while he has remaining in his body any alcohol or in his blood a controlled substance previously consumed, but a person less than 21 years old does not violate this section if he drives with a controlled substance in his blood which was lawfully obtained and taken in therapeutically appropriate amounts.

(b) Subject to Implied-Consent Law. - An offense under this section is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2

(b1) Odor insufficient. - The odor of an alcoholic beverage on the breath of the driver is insufficient evidence by itself to prove beyond a reasonable doubt that alcohol was remaining in the driver's body in violation of this section unless the driver was offered an alcohol screening test or chemical analysis and refused to provide all required samples of breath or blood for analysis.

(b2) Alcohol Screening Test. - Notwithstanding any other provision of law, an alcohol screening test may be administered to a driver suspected of violation of subsection (1) of this section, and the results of an alcohol screening test or the driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative agency in determining if alcohol was present in the driver's body. No alcohol screening tests are valid under this section unless the device used is one approved by the Commission for Health Services, and the screening test is conducted in accordance with the applicable regulations of the Commission as to its manner and use.

(c) Punishment; Effect When Impaired Driving Offense Also Charged. - The offense in this section is a Class 2 misdemeanor. It is not, in any circumstances, a lesser included offense of impaired driving under G.S. 20-138.1, but if a person is convicted under this section and of an offense involving impaired driving arising out of the same transaction, the aggregate punishment imposed by the court may not exceed the maximum applicable to the offense involving impaired driving, and any minimum punishment applicable must be imposed.

(d) Limited Driving Privilege. - A person who is convicted of violating subsection (a) of this section and whose driver's license is revoked solely based on that conviction may apply for a limited driving privilege as provided in G.S. 20-179.3. This subsection shall apply only if the person meets both of the following requirements:

(1) Is 18, 19, or 20 years old on the date of the offense.

(2) Has not previously been convicted of a violation of this section.

The judge may issue the limited driving privilege only if the person meets the eligibility requirements of G.S. 20-179.3 other than the requirement in G.S. 20-179.3(b) (1) c. G.S. 20-179(e) shall not apply. All other terms, conditions, and restrictions provided for in G.S. 20-179.3 shall apply. G.S. 20-179.3, rather than this subsection, governs the issuance of a limited driving privilege to a person who is convicted of violating subsection (a) of this section and of driving while impaired as a result of the same transaction.

20-138.7.(EFFECTIVE UNTIL SEPTEMBER 30, 2006) TRANSPORTING AN OPEN CONTAINER OF ALCOHOLIC BEVERAGE

(a) Offense. - No person shall drive a motor vehicle on a highway or the right-of-way of a highway:
  (1) While there is an alcoholic beverage in the passenger area in other than the unopened manufacturer's original container; and
  (2) While the driver is consuming alcohol or while alcohol remains in the driver's body.

(a1) Offense. - No person shall possess an alcoholic beverage other than in the unopened manufacturer's original container, or consume an alcoholic beverage, in the passenger area of a motor vehicle while the motor vehicle is on a highway or the right-of-way of a highway. For purposes of this subsection, only the person who possesses or consumes an alcoholic beverage in violation of this subsection shall be charged with this offense.

(a2) Exception. - It shall not be a violation of subsection (a1) of this section for a passenger to possess an alcoholic beverage other than in the unopened manufacturer's original container, or for a passenger to consume an alcoholic beverage, if the container is:
  (1) In the passenger area of a motor vehicle that is designed, maintained, or used primarily for the transportation of persons for compensation;
  (2) In the living quarters of a motor home or house car as defined in G.S. 20-4.01(27) d2.; or
  (3) In a house trailer as defined in G.S. 20-4.01(14).

(a3) Meaning of Terms. - Under this section, the term "motor vehicle" means only those types of motor vehicle which North Carolina law requires to be registered, whether the motor vehicle is registered in North Carolina or another jurisdiction.

(b) Subject to Implied-Consent Law. - An offense under this section is an alcohol-related offense subject to the implied-consent provisions of G.S. 20-16.2.

(c) Odor Insufficient. - The odor of an alcoholic beverage on the breath of the driver is insufficient evidence to prove beyond a reasonable doubt that alcohol was remaining in the driver's body in violation of this section,

unless the driver was offered an alcohol screening test or chemical analysis and refused to provide all required samples of breath or blood for analysis.

(d) Alcohol Screening Test. - Notwithstanding any other provision of law, an alcohol screening test may be administered to a driver suspected of violating subsection (a) of this section, and the results of an alcohol screening test or the driver's refusal to submit may be used by a law enforcement officer, a court, or an administrative agency in determining if alcohol was present in the driver's body. No alcohol screening tests are valid under this section unless the device used is one approved by the Commission for Health Services, and the screening test is conducted in accordance with the applicable regulations of the Commission as to the manner of its use.

(e) Punishment; Effect When Impaired Driving Offense Also Charged. - Violation of this section shall be punished as a Class 3 misdemeanor for the first offense and shall be punished as a Class 2 misdemeanor for a second or subsequent offense. A fine imposed for a second or subsequent offense may not exceed one thousand dollars ($1000.00). Violation of this section is not a lesser included offense of impaired driving under G.S. 20-138.1, but if a person is convicted under this section and of an offense involving impaired driving arising out of the same transaction, the punishment imposed by the court shall not exceed the maximum applicable to the offense involving impaired driving, and any minimum applicable punishment shall be imposed. A violation of this section shall be considered a moving violation for purposed of G.S. 20-16 (c).

(f) Definitions. - If the seal on a container of alcoholic beverages has been broken, it is opened within the meaning of this section. For purposes of this section "passenger area of a motor vehicle" means the area designed to seat the driver and passengers and any area within the reach of a seated driver or passenger, including the glove compartment. The area of the trunk or the area behind the last upright back seat of a station wagon, hatchback, or similar vehicle shall not be considered part of the passenger area. The term "alcoholic beverage" is as defined in G.S. 18B-101(4).

(g) Pleading. - In any prosecution for a violation of this section, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that the defendant drove a motor vehicle on a highway or the right-of-way of a highway with an open container of alcoholic beverage after drinking. In any prosecution for a violation of subsection (a1) of this section, the pleading is sufficient if it states the time and place of the alleged offense in the usual form and charges that (i) the defendant possessed an open container of alcoholic beverage in the passenger area of a motor vehicle while the motor vehicle was on a highway or the right-of-way of a highway, or (ii) the defendant consumed an alcoholic beverage in the passenger area of a motor vehicle while the motor vehicle was on a highway or the right-of-way of a highway.

(h) Limited Driving Privilege. - A person who is convicted of violating subsection (a) of this section and whose drivers license is revoked solely based on that conviction may apply for a limited driving privilege as provided for in G.S. 20-179.3. The judge may issue the limited driving privilege only if the driver meets the eligibility requirements of G.S. 20-179.3, other than the requirement in G.S. 20-179.3(b) (1) c. G.S. 20-179.3(e) shall not apply. All other terms, conditions, and restrictions provided for in G.S. 20-179.3 shall apply. G.S. 20-179.3, rather than this subsection, governs the issuance of a limited driving privilege to a person who is convicted of violating subsection (a) of this section and of driving while impaired as a result of the same transaction. (1995, c. 506, s. 9; 2000-155, s.4.)

NORTH CAROLINA GENERAL STATUTES ON CONTROLLED SUBSTANCES

Students, faculty members, administrators, and other employees are responsible, as citizens, for knowing about and complying with the provisions of the North Carolina State Law that makes it a crime to possess, sell, deliver, or manufacture those drugs designated collectively as "controlled substances" in Article 5 of Chapter 90 of the North Carolina General Statutes. Any member of the university community who violates the law is subject both to prosecution and punishment by the civil authorities and to disciplinary proceedings by the university.

CONTROLLED SUBSTANCES

Controlled Substances Editor's Note: Under the North Carolina Controlled Substances Act, Article 5, G.S. Ch. 90, the North Carolina Drug Commission is authorized to add, remove, or change the placement of a drug, substance, or immediate precursor to the list of controlled substances (those on Schedule I through VI). Controlled substances are listed in six schedules:

SCHEDULE I (90-89): A high potential for abuse, no currently accepted medical use in the United States, or lack of accepted safety for use in treatment under medical supervision. Examples include heroin, LSD, mescaline, psilocybin (mushrooms), peyote, Gamma Hydroxybutyric Acid (GHB), 4-hydroxybutyrate, 4-hydroxybutanuic acid, sodium oxybate and sodium oxybutyrate.

SCHEDULE II (90-90): A high potential for abuse, currently accepted medical use with severe restrictions, and abuse of the substance may lead to severe psychological or physical dependence. Examples are opium, cocaine, codeine, amphetamines, methadone and PCP.

SCHEDULE III (90-91): A potential for abuse less than the substances listed in Schedules I and II; currently accepted medical use in the United States; and abuse may lead to moderate or low physical dependence or high psychological dependence. Examples are certain barbiturates such as amobarbital and codeine-containing medicine such as Fiorinal #3, Doriden, and codeine-based cough suppressants. Also all anabolic steroids and ketamine.

SCHEDULE IV (90-92): A low potential for abuse relative to the substances listed in Schedule III, currently accepted medical use in the United States, and limited physical or psychological dependence relative to the substances listed in Schedule III. Examples include several commonly prescribed tranquilizers and stimulants such as Valium, Phenobarbital, Talwin, Librium and "yellow jackets."

SCHEDULE V (90-93): A low potential for abuse relative to the substances listed in Schedule IV, currently accepted medical use in the United States, and limited physical or psychological dependence relative to the substances listed in Schedule IV. These substances may be sold at retail without a prescription to anyone 18 or older by a registered pharmacist for medical purposes. Examples include substances that contain very limited amounts of codeine, dihydrocodeine, opium, ethylmorphine and atropine such as Terpine Hydrate with codeine and Robitussin AC.

SCHEDULE VI (90-94): No currently accepted medical use in the United States or a relatively low potential for abuse in terms of risk to public health, and potential to produce psychological or physiological dependence liability based upon present medical knowledge, or a need for further and continuing study to develop scientific knowledge of its pharmacological effects. The only substances on this schedule are marijuana and tetrahydrocannabinols, such as hashish and hash oil.

Violations and penalties involving controlled substances are set out in sections 90-95 and 90-95.1. Note the distinctions made for possession. Section 90-96 provides for special treatment for certain first offenses.

90-95. VIOLATIONS; PENALTIES

(a) Except as authorized by this Article, it is unlawful for any person:
  (1) To manufacture, sell or deliver, or possess with intent to manufacture, sell or deliver, a controlled substance.
  (2) To create, sell or deliver, or possess with intent to sell or deliver, a counterfeit controlled substance;
  (3) To possess a controlled substance.

(b) Except as provided in subsections (h) and (i) of this section, any person who violates G.S. 90-95(a) (1) with respect to:
  (1) A controlled substance classified in Schedule I or II shall be punished as a Class H felon, except that the sale of a controlled substance classified in Schedule I or II shall be punished as a Class G felon;
  (2) A controlled substance classified in Schedule III, IV, V, or VI shall be punished as a Class I felon, but the transfer of less than 5 grams of marijuana for no remuneration shall not constitute a delivery in violation of G.S. 90- 95(a)(1).

(c) Any person who violates G.S. 90-95(a) (2) shall be punished as a Class I felon.

(d) Except as provided in subsections (h) and (i) of this section, any person who violates G.S. 90-95(a) (3) with respect to:
  (1) A controlled substance classified in Schedule I shall be punished as a Class I felon;

(2) A controlled substance classified in Schedule II, III, or IV shall be guilty of a Class 1 misdemeanor. If the controlled substance exceeds four tablets, capsules, or other dosage units or equivalent quantity of hydromorphone or if the quantity of the controlled substance, or combination of the controlled substances, exceeds one hundred tablets, capsules or other dosage units, or equivalent quantity, the violation shall be punishable as a Class I felony. If the controlled substance is methamphetamine, amphetamine, phencyclidine, or cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, or any salt, isomer, salts of isomers, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances (except decocanized coca leaves or any extraction of coca leaves which does not contain cocaine or ecgonine), the violation shall be punishable as a Class I felony.

(3) A controlled substance classified in Schedule V shall be guilty of a Class 2 misdemeanor;

(4) A controlled substance classified in Schedule VI shall be guilty of a Class 3 misdemeanor, but any sentence of imprisonment imposed must be suspended and the judge may not require at the time of sentencing that the defendant serve a period of imprisonment as a special condition of probation. If the quantity of the controlled substance exceeds one-half of an ounce (avoirdupois) of marijuana or one-twentieth of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, the violation shall be punishable as a Class 1 misdemeanor. If the quantity of the controlled substance exceeds one and one-half ounces (avoirdupois) of marijuana or three-twentieths of an ounce (avoirdupois) of the extracted resin of marijuana, commonly known as hashish, or if the controlled substance consists of any quantity of synthetic tetrahydrocannabinols or tetrahydrocannabinols isolated from the resin of marijuana, the violation shall be punishable as a Class I felony.

(d1) Except as authorized by this Article, it is unlawful for any person to:

(1) Possess and immediate precursor chemical with intent to manufacture a controlled substance; or

(2) Possess or distribute an immediate precursor chemical knowing, or having reasonable cause to believe, that the immediate precursor chemical will be used to manufacture a controlled substance.

Any person who violates this subsection shall be punished as a Class H felon.

(d2) The immediate precursor chemicals to which subsection (d1) of this section applies are those immediate precursor chemicals designated by

the Commission pursuant to its authority under G.S. 90-88, and the following (until otherwise specified by the Commission):

(1) Anhydrous ammonia.
(1a) Anthranilic acid.
(2) Benzyl cyanide.
(3) Chloroephedrine.
(4) Chloropseudoephedrine.
(5) D-Lysergic acid.
(6) Ephedrine.
(7) Ergonovine maleate.
(8) Ergotamine tartrate.
(9) Ethyl Malonate.
(10) Ethylamine.
(10a) Iodine
(11) Isosafrole.
(11a) Lithium.
(12) Malonic acid.
(13) Methylamine.
(14) N-acetylanthranilic acid.
(15) N-ethylephedrine.
(16) N-ethylepseudoephedrine.
(17) N-methylephedrine.
(18) N-methylpseudoephedrine.
(19) Norpseudoephedrine.
(20) Phenyl-2-propane.
(21) Phenylacetic acid.
(22) Phenylpropanolamine.
(23) Piperidine.
(24) Piperonal.
(25) Propionic anhydride.
(26) Pseudoephedrine.
(27) Pyrrolidine.
(27a) Red phosphorous.
(28) Safrole.
(28a) Sodium.
(29) Thionylchloride.
(30) Gamma-butyrolactone.

(e) The prescribed punishment and degree of any offense under this Article shall be subject to the following conditions, but the punishment for an offense may be increased only by the maximum authorized under any one of the applicable conditions:

(1), (2) Repealed by Session Laws 1979, C.760, s. 5.

(3) If any person commits a Class 1 misdemeanor under this Article and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any

other state, which offenses are punishable under any provision of this Article, he shall be punished as a Class I felon. The prior conviction used to raise the current offense to a Class I felony shall not be used to calculate the prior record level;

(4) If any person commits a Class 2 misdemeanor, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 1 misdemeanor. The prior conviction used to raise the current offense to a Class 1 misdemeanor shall not be used to calculate the prior conviction level;

(5) Any person 18 years of age or over who violates G.S. 90-95(a)(1) by selling or delivering a controlled substance to a person under 16 years of age or a pregnant female shall be punished as a Class D felon. Any person 18 years of age or over who violates G.S. 90-95 (a) (1) by selling or delivering a controlled substance to a person who is 13 years of age or younger shall be punished as a Class C felon. Mistake of age is not a defense to a prosecution under this section. It shall not be a defense that the defendant did not know that the recipient was pregnant;

(6) For the purpose of increasing punishment under G.S. 90-95(e)(3) and (e)(4), previous convictions for offenses shall be counted by the number of separate trials at which final convictions were obtained and not by the number of charges at a single trial;

(7) If any person commits an offense under this Article for which the prescribed punishment requires that any sentence of imprisonment be suspended, and if he has previously been convicted for one or more offenses under any law of North Carolina or any law of the United States or any other state, which offenses are punishable under any provision of this Article, he shall be guilty of a Class 2 misdemeanor;

(8) Any person 21 years of age or older who commits an offense under G.S. 90-95(a)(1) on property used for an elementary or secondary school or within 300 feet of the boundary of real property used for an elementary or secondary school shall be punished as a Class E felon. For purposes of this subdivision, the transfer of less than five grams of marijuana for no enumeration shall not constitute a delivery in violation of G.S. 90-95(a)(1).

(9) Any person who violates G.S. 90-95(a)(3) on the premises of a penal institution or local confinement facility shall be guilty of a Class I felony.

(f) Any person convicted of an offense or offenses under this Article who is sentenced to an active term of imprisonment that is less than the maximum active term that could have been imposed may, in addition, be sentenced to a term of special probation. Except as indicated in this

subsection, the administration of special probation shall be the same as probation. The conditions of special probation shall be fixed in the same manner as probation, and the conditions may include requirements for rehabilitation treatment. Special probation shall follow the active sentence. No term of special probation shall exceed five years. Special probation may be revoked in the same manner as probation; upon revocation, the original term of imprisonment may be increased by no more than the difference between the active term of imprisonment actually served and the maximum active term that could have been imposed at trial for the offense or offenses for which the person was convicted, and the resulting term of imprisonment need not be diminished by the time spent on special probation.

(g) Whenever matter is submitted to the North Carolina State Bureau of Investigation Laboratory, the Charlotte, North Carolina, Police Department Laboratory or to the Toxicology Laboratory, Reynolds Health Center, Winston-Salem for chemical analysis to determine if the matter is or contains a controlled substance, the report of that analysis certified to upon a form approved by the Attorney General by the person performing the analysis shall be admissible without further authentication in all proceedings in the district court division of the General Court of Justice as evidence of the identity, nature, and quantity of the matter analyzed. Provided, however, that a report is admissible in a criminal proceeding in the superior court division or in an adjudicatory hearing in juvenile court in the district court division only if:

(1) The State notifies the defendant at least 15 days before trial of its intention to introduce the report into evidence under this subsection and provides a copy of the report to the defendant, and

(2) The defendant fails to notify the State at least five days before trial that the defendant objects to the introduction of the report into evidence. Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the report.

(g1) Procedure for establishing chain of custody without calling unnecessary witnesses.

(1) For the purpose of establishing the chain of physical custody or control of evidence consisting of or containing a substance tested or analyzed to determine whether it is a controlled substance, a statement signed by each successive person in the chain of custody that the person delivered it to the other person indicated on or about the date stated is prima facie evidence that the person had custody and made the delivery as stated, without the necessity of a personal appearance in court by the person signing the statement.

(2) The statement shall contain a sufficient description of the material or its container so as to distinguish it as the particular item in question and shall state that the material was delivered in essentially

the same condition as received. The statement may be placed on the same document as the report provided for in subsection (g) of this section.

(3) The provisions of this subsection may be utilized by the State only if:

a. The State notifies the defendant at least 15 days before trial of its intention to introduce the statement into evidence under this subsection and provides the defendant with a copy of the statement, and

b. The defendant fails to notify the State at least five days before trial that the defendant objects to the introduction of the statement into evidence.

(4) Nothing in this subsection precludes the right of any party to call any witness or to introduce any evidence supporting or contradicting the evidence contained in the statement.

(h) Notwithstanding any other provision of law, the following provisions apply except as otherwise provided in this Article.

(1) Any person who sells, manufactures, delivers, transports, or possesses in excess of 10 pounds (avoirdupois) of marijuana shall be guilty of a felony which felony shall be known as "trafficking in marijuana" and if the quantity of such substance involved:

a. Is in excess of 10 pounds, but less than 50 pounds, such person shall be punished as a Class H felon and shall be sentenced to a minimum term of 25 months and a maximum term of 30 months in the State's prison and shall be fined not less than five thousand dollars ($5,000);

b. Is 50 pounds or more, but less than 2,000 pounds, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 42 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($25,000);

c. Is 2,000 pounds or more, but less than 10,000 pounds, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 84 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

d. Is 10,000 pounds or more, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 219 months in the State's prison and shall be fined not less than two hundred thousand dollars ($200,000).

(2) Any person who sells, manufactures, delivers, transports, or possesses 1,000 tablets, capsules or other dosage units, or the equivalent quantity, or more of methaqualone, or any mixture containing such substance, shall be guilty of a felony which felony

shall be known as "trafficking in methaqualone" and if the quantity of such substance or mixture involved:

a. Is 1,000 or more dosage units, or equivalent quantity, but less than 5,000 dosage units, or equivalent quantity, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 42 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($25,000);

b. Is 5,000 or more dosage units, or equivalent quantity, but less than 10,000 dosage units, or equivalent quantity, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 84 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

c. Is 10,000 or more dosage units, or equivalent quantity, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 219 months in the State's prison and shall be fined not less that two hundred thousand dollars ($200,000).

(3) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of cocaine and any salt, isomer, salts of isomers, compound, derivative, or preparation thereof, or any coca leaves and any salt, isomer, salts of isomers, compound, derivative, or preparation of coca leaves, and any salt, isomer, salts of isomers, compound, derivative or preparation thereof which is chemically equivalent or identical with any of these substances (except decocainized coca leaves or any extraction of coca leaves which does not contain cocaine) or any mixture containing such substances, shall be guilty of a felony, which felony shall be known as "trafficking in cocaine" and if the quantity of such substance or mixture involved:

a. Is 28 grams or more, but less that 200 grams, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 42 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

b. Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 84 months in the State's prison and shall be fined not less than one hundred thousand dollars ($100,000);

c. Is 400 grams or more, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 219 months in the State's

prison and shall be fined at least two hundred fifty thousand dollars ($250,000).

(3a) Repealed by Session Laws (1999-370, s. 1.)

(3b) Any person who sells, manufactures, delivers, transports, or possesses 28 grams or more of methamphetamine shall be guilty of a felony which felony shall be known as "trafficking in methamphetamine" and if the quantity of such substance or mixture involved:

a. Is 28 grams or more, but less than 200 grams, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 70 months and a maximum term of 84 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

b. Is 200 grams or more, but less than 400 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 90 months and a maximum term of 117 months in the State's prison and shall be fined not less than one hundred thousand dollars ($100,000);

c. Is 400 grams or more, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 219 months in the State's prison and shall be fined at least two hundred fifty thousand dollars ($250,000);

(4) Any person who sells, manufactures, delivers, transports, or possesses four grams or more of opium or opiate, or any salt, compound, derivative, or preparation of opium or opiate, (except apomorphine, nalbuphine, analoxone and naltrexone and their respective salts), including heroin, or any mixture containing such substance, shall be guilty of a felony which felony shall be known as "trafficking in opium or heroin" and if the quantity of such controlled substance or mixture involved:

a. Is four grams or more, but less than 14 grams, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 84 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

b. Is 14 grams or more, but less than 28 grams, such person shall be punished as a Class E felon and shall be sentenced to a minimum term of 90 months and a maximum term of 117 months in the State's prison and shall be fined not less than one hundred thousand dollars ($100,000);

c. Is 28 grams or more, such person shall be punished as a Class C felon and shall be sentenced to a minimum term of 225 months and a maximum term of 279 months in the State's prison and shall be fined not less than five hundred thousand dollars ($500,000).

(4a) Any person who sells, manufactures, delivers, transports, or possesses 100 tablets, capsules, or other dosage units, or the equivalent quantity, or more, of Lysergic Acid Diethylamide, or any mixture containing such substance, shall be guilty of a felony, which felony shall be known as "trafficking in Lysergic Acid Diethylamide." If the quantity of such substance or mixture involved:

a. Is 100 or more dosage units, or equivalent quantity, but less than 500 dosage units, or equivalent quantity, such person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 42 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($25,000).

b. Is 500 or more dosage units, or equivalent quantity, but less than 1,000 dosage units, or equivalent quantity, such person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 84 months in the State's prison and shall be fined not less than fifty thousand dollars ($50,000);

c. Is 1,000 or more dosage units, or equivalent quantity, such person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 219 months in the State's prison and shall be fined not less that two hundred thousand dollars ($200,000).

(4b) Any person who sells, manufactures, delivers, transports, or possesses 100 or more tablets, capsules, or other dosage units, or 28 grams or more of 3,4-methylenedioxyamphetamine (MDA), including its salts, isomers, and salts of isomers, or 3,4-methylenedioxymethamphetamine (MDMA), including its salts, isomers, and salts of isomers, or any mixture containing such substances, shall be guilty of a felony, which felony shall be known as "trafficking in MDA/MDMA." If the quantity of the substance or mixture involved:

a. Is 100 or more tablets, capsules, or other dosage units, but less than 500 tablets, capsules, or other dosage units, or 28 grams or more, but less than 200 grams, the person shall be punished as a Class G felon and shall be sentenced to a minimum term of 35 months and a maximum term of 42 months in the State's prison and shall be fined not less than twenty-five thousand dollars ($25,000);

b. Is 500 or more tablets, capsules, or other dosage units, but less than 1,000 tablets, capsules, or other dosage units, or 200 grams or more, but less than 400 grams, the person shall be punished as a Class F felon and shall be sentenced to a minimum term of 70 months and a maximum term of 84 months in the State's

prison and shall be fined not less than fifty thousand dollars ($50,000);

c. Is 1,000 or more tablets, capsules, or other dosage units, or 400 grams or more, the person shall be punished as a Class D felon and shall be sentenced to a minimum term of 175 months and a maximum term of 219 months in the State's prison and shall be fined not less than two hundred fifty thousand dollars ($250,000).

(5) Except as provided in this subdivision, a person being sentenced under this subsection may not receive a suspended sentence or be placed on probation. The sentencing judge may reduce the fine, or impose a prison term less than the applicable minimum prison term provided by this subsection, or suspend the prison term imposed and place a person on probation when such person has, to the best of his knowledge, provided substantial assistance in the identification, arrest, or conviction of any accomplices, accessories, coconspirators, or principals if the sentencing judge enters in the record a finding that the person to be sentenced has rendered such substantial assistance.

(6) Sentences imposed pursuant to this subsection shall run consecutively with and shall commence at the expiration of any sentence being served by the person sentenced hereunder.

(i) The penalties provided in subsection (h) of this section shall also apply to any person who is convicted of conspiracy to commit any of the offenses described in subsection (h) of this section.

POSSESSION OF DRUG PARAPHERNALIA

90-113.21. GENERAL PROVISIONS

(a) As used in this Article, "drug paraphernalia" means all equipment, products and materials of any kind that are used to facilitate, or intended or designed to facilitate, violations of the Controlled Substances Act, including planting, propagating, cultivating, growing, harvesting, manufacturing, compounding, converting, producing, processing, preparing, testing, analyzing, packaging, repackaging, storing, containing, and concealing controlled substances and injecting, ingesting, inhaling, or otherwise introducing controlled substances into the human body. "Drug paraphernalia" includes, but is not limited to, the following:

(1) Kits for planting, propagating, cultivating, growing, or harvesting any species of plant which is a controlled substance or from which a controlled substance can be derived;

(2) Kits for manufacturing, compounding, converting, producing, processing, or preparing controlled substance;

(3) Isomerization devices for increasing the potency of any species of plant which is a controlled substance;

(4) Testing equipment for identifying, or analyzing the strength, effectiveness, or purity of controlled substances;
(5) Scales and balances for weighing or measuring controlled substances;
(6) Diluents and adulterants, such as quinine, hydrochloride, mannitol, mannite, dextrose, and lactose for mixing with controlled substances;
(7) Separation gins and sifters for removing twigs and seeds from, or otherwise cleaning or refining, marijuana;
(8) Blenders, bowls, containers, spoons, and mixing devices for compounding controlled substances;
(9) Capsules, balloons, envelopes and other containers for packaging small quantities of controlled substances;
(10) Containers and other objects for storing or concealing controlled substances;
(11) Hypodermic syringes, needles, and other objects for parenterally injecting controlled substances into the body;
(12) Objects for ingesting, inhaling, or otherwise introducing marijuana, cocaine, hashish, or hashish oil into the body, such as:
    a. Metal, wooden, acrylic, glass, stone, plastic, or ceramic pipes with or without screens, permanent screens, hashish heads, or punctured metal bowls;
    b. Water pipes;
    c. Carburetion tubes and devices;
    d. Smoking and carburetion masks;
    e. Objects, commonly called roach clips, for holding burning material, such as a marijuana cigarette, that has become too small or too short to be held in the hand;
    f. Miniature cocaine spoons and cocaine vials;
    g. Chamber pipes;
    h. Carburetor pipes;
    i. Electric pipes;
    j. Air-driven pipes;
    k. Chillums;
    l. Bongs;
    m. Ice pipes or chillers.

(b) The following, along with all other relevant evidence, may be considered in determining whether an object is drug paraphernalia:
(1) Statements by the owner or anyone in control of the object concerning its use;
(2) Prior convictions of the owner or other person in control of the object for violations of controlled substances law;
(3) The proximity of the object to a violation of the Controlled Substances Act;
(4) The proximity of the object to a controlled substance;

(5) The existence of any residue of a controlled substance on the object;
(6) The proximity of the object to other drug paraphernalia;
(7) Instructions provided with the object concerning its use;
(8) Descriptive materials accompanying the object explaining or depicting its use;
(9) Advertising concerning its use;
(10) The manner in which the object is displayed for sale;
(11) Whether the owner, or anyone in control of the object, is a legitimate supplier of like or related items to the community, such as a seller of tobacco products or agricultural supplies;
(12) Possible legitimate uses of the object in the community;
(13) Expert testimony concerning its use;
(14) The intent of the owner or other person in control of the object to deliver it to persons whom he knows or reasonably should know intends to use the object to facilitate violations of the Controlled Substances Act.

90-113.22. POSSESSION OF DRUG PARAPHERNALIA

(a) It is unlawful for any person to knowingly use, or to possess with intent to use, drug paraphernalia to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance which it would be unlawful to possess, or to inject, ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess.
(b) Violation of this section is a Class 1 misdemeanor.

90-113.23.MANUFACTURE OR DELIVERY OF DRUG PARAPHERNALIA

(a) It is unlawful for any person to deliver, possess with intent to deliver, or manufacture with intent to deliver, drug paraphernalia knowing that it will be used to plant, propagate, cultivate, grow, harvest, manufacture, compound, convert, produce, process, prepare, test, analyze, package, repackage, store, contain, or conceal a controlled substance which it would be unlawful to possess, or that it will be used to inject, ingest, inhale, or otherwise introduce into the body a controlled substance which it would be unlawful to possess.
(b) Delivery, possession with intent to deliver, or manufacture with intent to deliver, of each separate and distinct item of drug paraphernalia is a separate offense.
(c) Violation of this section is a Class 1 misdemeanor. However, delivery of drug paraphernalia by a person over 18 years of age to someone under 18 years of age who is at least three years younger than the defendant shall be punishable as a Class I felony.

Federal Regulatory Requirements: Controlled Substances

Federal Regulatory Requirements

Controlled Substances	Schedule I	Schedule II	Schedule III	Schedule IV	Schedule V
REGISTRATION	required	required	required	required	required
RECORDKEEPING	separate	separate	readily available	readily available	readily available
DISTRIBUTION RESTRICTIONS	order forms	order forms	records required	records required	records required
DISPENSING LIMITS	research use only	Rx: written; no refills	Rx: written or oral; refills Note 1	Rx: written or oral; refills Note 1	OTC (Rx drugs limited to M.D.'s order)
MANUFACTURING Security	vault / safe	vault / safe	secure storage area	secure storage area	secure storage area
MANUFACTURING Quotas	yes	yes	NO but some drugs limited by Schedule II	NO but some drugs limited by Schedule II	NO but some drugs limited by Schedule II
IMPORT / EXPORT Narcotic	permit	permit	permit	permit	permit to import; declaration to export
IMPORT / EXPORT Non-Narcotic	permit	permit	Note 2	declaration	declaration
REPORTS TO DEA by manufacturer/distributor **Narcotic**	yes	yes	yes	manufacturer only	manufacturer only
REPORTS TO DEA by manufacturer/distributor **Non-Narcotic**	yes	yes	Note 3	Note 3	no

Note 1 - With medical authorization, refills up to 5 in 6 months
Note 2 - Permit for some drugs, declaration for others
Note 3 - Manufacturer reports required for specific drugs

Federal Trafficking Penalties: Schedule I - V Drugs

Federal Trafficking Penalties

CSA	PENALTY		Quantity	DRUG	Quantity	PENALTY	
	2nd Offense	1st Offense				2nd Offense	1st Offense
I and II	Not less than 10 years. No more than life. If death or serious injury, not less than life. Fine of not more than $4 million individual, $50 million other than individual.	Not less than 5 years. Not more than 40 years. If death or serious injury, not less than 20 years. Not more than life. Fine of not more than 2 million individual, $5 million other than individual.	5-49 gm or 50-499 gm mixture	METHAMPHETAMINE	50 gm or more or 500 gm or more	Not less than 10 years. Not more than life. If death or serious injury, not less than 20 years. Not more than life. Fine of not more than $4 million individual, $10 million other than individual.	Not less than 20 years. Not more than life. If death or serious injury, not less than life. Fine of not more than $8 million individual, $20 million other than individual.
			100-999 gm mixture	HEROIN	1kg or more mixture		
			500-4,999 gm mixture	COCAINE	5 kg or more		
			5-49 gm	COCAINE BASE	50 gm or more mixture		
			10-99 gm or 100-999 gm mixture	PCP	100 gm or more or 1 kg or more mixture		
			1-9 gm mixture	LSD	10 gm or more mixture		
			40-399 gm mixture	FETANYL	400 gm or more mixture		
			10-99 gm mixture	FENTANYL ANALOGUE	100 gm or more mixture		

Drug	Quantity	First Offense	Second Offense
Any other CSA I, CSA II or I gm or more Flunitrazepam	Any	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine $1 million individual, $5 million not individual.	Not more than 30 years. If death or serious injury, life. Fine $2 million individual, $10 million not individual.
CSA III or 30-99 gm Flunitrazepam	Any	Not more than 5 years. Fine not more than $250,000 individual, $1 million not individual.	Not more than 10 years. Fine not more than $500,00 individual, $2 million not individual.
IV	Any	Not more than 3 years. Fine not more than $250,000 individual, $1 million not individual.	Not more than 6 years. Fine not more than $500,00 individual, $2 million not individual.
V	Any	Not more than 1 year. Fine not more than $100,00 individual, $250,000 not individual.	Not more than 2 years. Fine not more than $200,00 individual, $500,000 not individual.

Note: Federal Trafficking Penalties as of October 1999.

Federal Trafficking Penalties:
Schedule VI Drugs/Marijuana

Federal Trafficking Penalties - Marijuana

Quantity	Description	First Offense	Second Offense
1,000 kg or more; or 1,000 or more plants	**Marijuana** Mixture containing detectable quantity*	No less than 10 years, not more than life. If death or serious injury, not less than 20 years, not more than life. Fine not more than $4 million individual, $10 million other than individual.	No less than 20 years, not more than life. If death or serious injury, not less than life. Fine not more than $8 million individual, $20 million other than individual.
100 kg to999 kg; or 100 to 999 plants	**Marijuana** Mixture containing detectable quantity*	No less than 5 years, not more than 40 years. If death or serious injury, not less than 20 years, not more than life. Fine not more than $4 million individual, $10 million other than individual.	No less than 10 years, not more than life. If death or serious injury, not less than life. Fine not more than $4 million individual, $10 million other than individual.
50 to 100 kg	**Marijuana**	Not more than 20 years. If death or serious injury, not less than 20 years, not more than life. Fine not more than $1 million individual, $5 million other than individual.	Not more than 30 years. If death or serious injury, life. Fine not more than $2 million individual, $10 million other than individual.
10 kg or more	**Hashish**		
1 kg or more	**Hashish Oil**		
50 to 99 plants	**Marijuana**		
Less than 50 kg	**Marijuana**	Not more than 5 years. Fine not more than $250,000 individual, $1 million other than individual.	Not more than 10 years. Fine $500,000 individual, $2 million other than individual.
Less than 10 kg	**Hashish**		
Less than 1 kg	**Hashish Oil**		

NOTE: Federal Trafficking Penalties - Marijuana as of October 1999.
* Includes Hashish and Hashish Oil (Marijuana is a Schedule VI Controlled Substance

Controlled Substances: Uses & Effects

DRUGS/ CSA SCHEDULES	TRADE OR OTHER NAMES	MEDICAL USES	DEPENDENCE Physical	DEPENDENCE Psychological	Tolerance	Duration (Hours)	Usual Methods of Administration	POSSIBLE EFFECTS	EFFECTS OF OVERDOSE	WITHDRAWAL SYNDROME
NARCOTICS										
Opium / II, III, V	Dover's Powder, Paregoric, Parepectolin	Analgesic, antidiarrheal	High	High	Yes	3 - 8	Oral, smoked	Euphoria, drowsiness, respiratory depression, constricted pupils, nausea	Slow and shallow breathing, clammy skin, convulsions, coma, possible death	Watery eyes, runny nose, yawning, loss of appetite, irritability, tremors, panic, cramps, nausea, chills and sweating
Morphine / II, III	MS-Contin, Roxanol, Roxanol-SR, Pectoral Syrup, First Line, Goma, Morf, Cube	Analgesic, antitussive	High	High	Yes	3 - 6	Oral, smoked, injected			
Codeine / II, III, V	Tylenol w/Codeine, Empirin w/Codeine, Robitussan A-C, Florinal w/Codeine	Analgesic, antitussive	Moderate	Moderate	Yes	3 - 6	Oral, injected			
Heroin / I	Diacetylmorphine, Horse, Smack, Junk, Stuff, Brown Sugar, Scag	None	High	High	Yes	3 - 8	Injected, sniffed, smoked			
Hydromorphone / II	Dilaudid	Analgesic	High	High	Yes	3 - 8	Oral, injected			
Meperidine (Pethidine) / II	Demerol, Mepergan	Analgesic	High	High	Yes	3 - 8	Oral, injected			
Methadone / II	Dolophine, Methadose	Analgesic	High	High-Low	Yes	12 - 24	Oral, injected			
Other Narcotics / I, II, III, IV, V	Numorphan, Percodan, Percocet, Tylox, Darvon, Tussionex, Fentanyl, Lomotil, Talwin	Analgesic, antidiarrheal	High-Low	High-Low	Yes	Variable	Oral, injected			
DEPRESSANTS										
Chloral Hydrate / IV	Noctec	Hypnotic	Moderate	Moderate	Yes	5-8	Oral	Slurred speech, disorientation, drunken behavior without odor of alcohol	Shallow respiration, clammy skin, dilated pupils, weak and rapid pulse, coma, possible death	Anxiety, insomnia, tremors, delirium, convulsions, possible death
Barbiturates / II, III, IV	Amytal, Butisol, Fiorinal, Lotusate, Nembutal, Seconal, Tuinal, Phenobarbital, Bluebirds, Blue Devils, Pink Ladies, Red Devils	Anesthetic, anticonvulsant, sedative, hypnotic,veterinary euthanasia agent	High-Mod	High-Mod.	Yes	1-16	Oral			
Benzodiazepines / IV	Ativan, Dalmane, Diazepam, Librium, Xanax, Serax, Valium, Tranxene, Verstran, Versed, Halcion, Paxipam, Restoril, Clonopin	Antianxiety, anticonvulsant, sedative, hypnotic	Low	Low	Yes	4-8	Oral			
Methaqualone / I	Quaalude, Sopor, Ludes	Sedative, hypnotic	High	High	Yes	4-8	Oral			
Glutethimide / III	Doriden	Sedative, hypnotic	High	Moderate	Yes	4-8	Oral			
Other Depressants / III, IV	Equanil, Miltown, Noludar, Placidyl, Valmid	Antianxiety, sedative, hypnotic	Moderate	Moderate	Yes	4-8	Oral			
STIMULANTS										
Cocaine / II	Coke, Flake, Snow, Crack, White, Rock	Local anesthetic	Possible	High	Yes	1-2	Sniffed, smoked, injected	Increased alertness, excitation, euphoria, increased pulse rate and blood pressure, insomnia, loss of appetite	Agitation, increase in body temperature, hallucinations, convulsions, possible death	Apathy, long periods of sleep, irritability, depression, disorientation
Amphetamines / II	Biphetamine, Delcobese, Desoxyn, Dexedrine, Obetrol, Speed, Dexies, Pep Pills	Attention deficit disorders, narcolepsy, weight control	Possible	High	Yes	2-4	Oral, injected			
Phenmetrazine / II	Preludin	Weight control	Possible	High	Yes	2-4	Oral, injected			
Methylphenidate / II	Ritalin	Attention deficit disorders, narcolepsy	Possible	Moderate	Yes	2-4	Oral, injected			
Other Stimulants / III, IV	Adipex, Cylert, Didrex, Ionamin, Melliat, Plegine, Sanorex, Tenuate, Tepanil, Prelu-2	Weight control	Possible	High	Yes	2-4	Oral, injected			
HALLUCINOGENS										
LSD / I	Acid, Microdot, Window Pane, Purple Haze	None	None	Unknown	Yes	8-12	Oral	Illusions and hallucinations, poor perception of time and distance	Longer, more intense "trip" episodes, psychosis, possible death	Withdrawal syndrome not reported
Mescaline and Peyote / I	Mesc, Buttons, Cactus	None	None	Unknown	Yes	8-12	Oral			
Amphetamine Variants / I	2,5-DMA, PMA, STP, MDA, MDMA, TMA, DOM, DOB	None	Unknown	Unknown	Yes	Variable	Oral, injected			
Phencyclidine / II	PCP, Angel Dust, Hog	None	Unknown	High	Yes	Days	Smoked, oral, inlected			
Phencyclidine Analogues / I	PCE, PCPy, TCP	None	Unknown	High	Yes	Days	Smoked, oral, injected			
Other Hallucinogens / I	Bufotenine, Ibogaine, DMT, DET, Psilocybin, Psilocyn	None	None	Unknown	Possible	Variable	Smoked, sniffed, oral, injected			
CANNABIS										
Marijuana / I	Pot, Acapulco Gold, Grass, Reefer, Sinsemilla, Thai Sticks, Weed	None	Unknown	Moderate	Yes	2-4	Smoked, oral	Euphoria, relaxed inhibitions, increased appetite, disoriented	Fatigue, paranoia, possible psychosis	Insomnia, hyperactivity, and decreased appetite occasionally reported behavior
Tetrahydrocannabinol / I, II	THC, Marinol	Cancer chemotharaphy, antinauseant	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish / I	Hash	None	Unknown	Moderate	Yes	2-4	Smoked, oral			
Hashish Oil / I	Hash Oil	None	Unknown	Moderate	Yes	2-4	Smoked, oral			

Federal Drug-Free Workplace Act of 1988

It is the policy of UNCW that all employees shall have the right to a workplace which is free of alcohol and other drugs. This policy is established to ensure the safety and well- being of employees as well as the general public. All employees of UNCW are covered by this policy. It is the responsibility of management, supervisors and employees to become familiar with the expectations of UNCW and to comply with the provisions of this act, the policy and other provisions outlined in this handbook. Compliance with the provisions of this policy shall be a condition of employment and violation of this policy may include disciplinary action up to and including dismissal. All new hires, (faculty, staff and student employees) will be provided a copy of this policy and will be notified of their obligation for compliance as a condition of employment.

In the event of a conflict between the provisions of this policy and related state or federal law or policy, the federal law or policy shall always control.

As with state law, the manufacture, distribution, dispensing, possession or use of an illegal substance is prohibited.

Any employee convicted of any criminal drug statute violation occurring in or on the workplace premises must notify the appropriate supervisor or management person no later than five (5) calendar days after such conviction. Management will notify Human Resources immediately. Failure to provide notification shall be cause for disciplinary action up to and including dismissal.

Any employee convicted of an off-duty drug-related offense which could directly or indirectly affect their credibility or ability to carry out effectively the duties and responsibilities of their position shall be subject to disciplinary action up to and including dismissal.

ALCOHOL BEVERAGE PERMIT AND STATEMENT OF RESPONSIBILITY

Office of the Dean of Students

The University of North Carolina at Wilmington permits malt beverages (beer), fortified wines, and spirituous liquor to be consumed at special events and programs and in the privacy of residence hall rooms.

There is no intent to encourage the increased use of alcoholic beverages or to force their consumption upon those who object to the use of alcohol on moral, ethical or religious grounds. The policy is designed to support the positive, healthy use or non-use of alcohol beverages in a responsible manner.

THIS FORM MUST BE FILED WITH THE OFFICE OF THE DEAN OF STUDENTS SEVEN DAYS PRIOR TO THE EVENT.

Sponsoring organization _____ Date of events _____

Name of event or its purpose _____

Type of activity or entertainment planned _____

Facility requested _____

Anticipated attendance _____ Time of event (from) _____ (to) _____

Alcoholic beverage to be served _____

*Amount of beverage (please see back) _____

Non-alcoholic beverages that will be available _____

Type and amount of food that will be available _____

_____

Procedure for ID and quantity checks _____

ALL SIGNATURES LISTED BELOW MUST BE PROCURED IN THE ORDER PRESENTED

Upon signing this permit, it is acknowledged that all the regulations stated in the Alcoholic Beverage Policy (Student Handbook & Code of Student Life) are understood and that responsibility for the activity and conduct of all participants including guests is accepted.

It is further understood that responsibility is accepted for the cleaning of the facility after the event, as well as repairs or any damages that may occur. The sponsoring organization will be billed for the cost of additional cleaning and repairing of any damage to the facilities which result from the scheduled event. The breaking of this agreement will result in the revocation of privileges to seek future permission to hold activities where alcoholic beverages can be consumed and may result in sanctions against offending individuals or groups.

(1) _____ Date _____ Telephone No. _____
Signature of Chairperson of sponsoring organization

(2) _____ Date _____ Telephone No. _____
Signature of Treasurer of sponsoring organization

FOR STUDENT ORGANIZATIONS ONLY: To be completed by the student organizations advisor(s)

I (we) have knowledge of the above stated event and have supervised student planning efforts. The event will be supervised by an advisor.

(3) _____ Date _____ Telephone No. _____
Signature of Advisor who will be present for the entire event

The individual(s) involved in planning this event have seen me for assistance in preparation and cleanup.

(4) _____ Date _____ Telephone No. _____
Signature of Director of Campus Dining

(5) _____ Date _____ Telephone No. _____
Signature of Dean of Students

ORIGINAL – Sponsoring Organization GREEN – University Police CANARY – Dean of Students Office PINK – Facilities Manager GOLDENROD – Campus Dining

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